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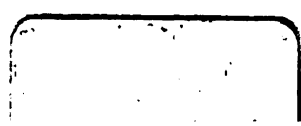
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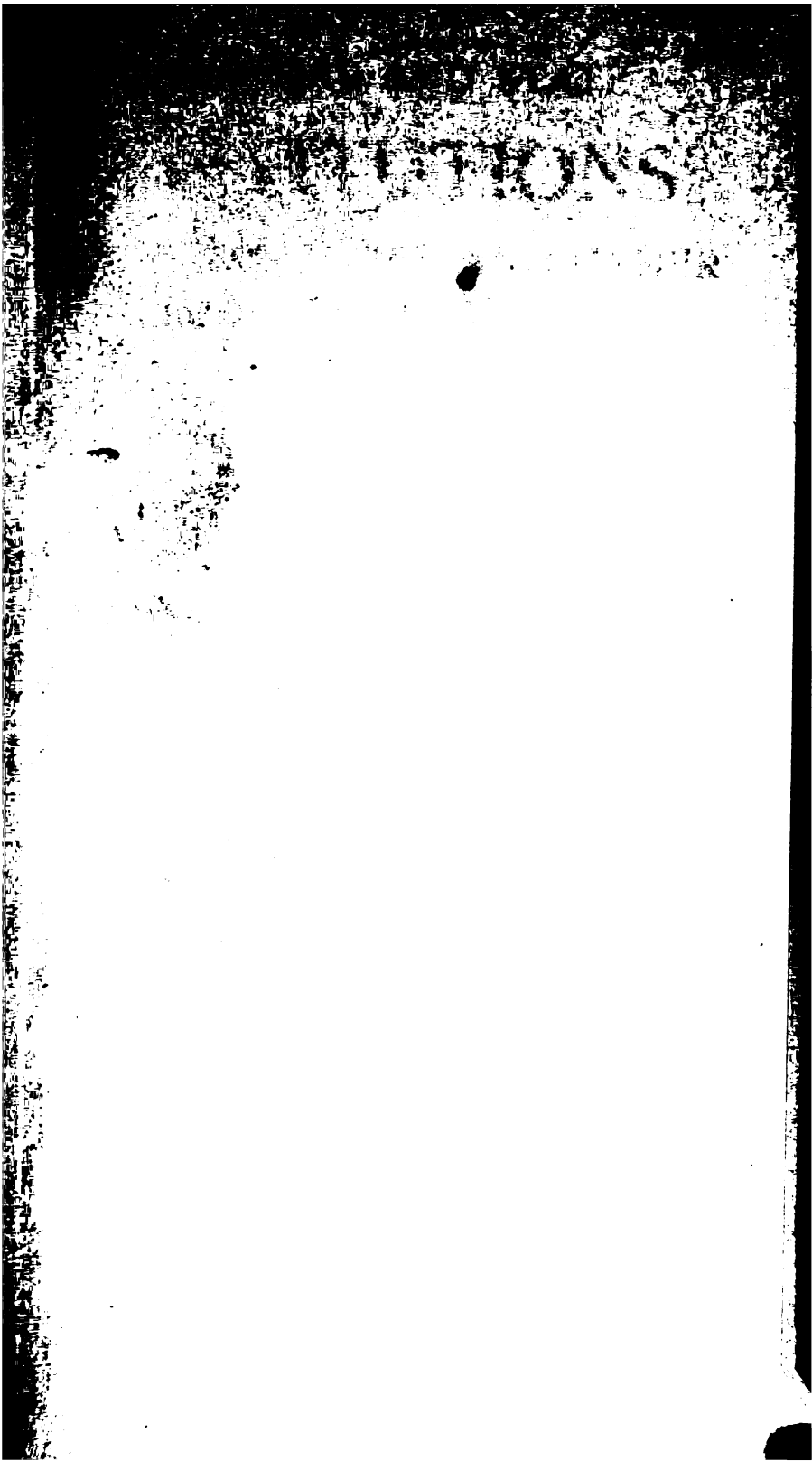
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UNITED STATES DEPARTMENT OF JUSTICE

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... York, his heirs and assigns, beginning at the mouth of the river of St. Croix next adjoining the river of Penobscot, thence extending along the coast to the river of Kenebeque, and thence to the river Canady northwards; together also with the several islands of Long Island, situate and being in the Narrow Higansetts, abutting upon the rivers there, called or known by the names of the Delaware and Hudson's river; together also with the river, and all the land from the mouth of the Delaware to the east side of the Delaware

... of New Jersey." Leaming & Spicer.

... and confirmed
... release and confirm
... Sir George Carteret, their heirs
... adjacent to New England
... Long Island, and Manhat-
... part by the main sea, and part by the
... Delaware bay or river, and extend
... Cape May at the mouth
... to the northward as far as the northern
... Delaware, which is forty-one
... minutes of latitude, and crosseth over thence in a
... Hudson's river in forty-one degrees of latitude; which
... land is hereafter to be called by the name or names of New
... or New Jersey: and also all rivers, mines, mineralles, woods,
... hawking, hunting, and fowling, and all other royalties, pro-
... modities, and hereditaments whatever, to the said lands and
... belonging or in any wise appertaining; with their and every
... appurtenances, in as full and ample manner as the same is
... the said Duke of York by the before-recited Letters Patent
... the estate, title, interest, benefit advantage, claim and demand
... said James Duke of York, of in or to the said and
... or any part or parcel thereof, and the reversion and rever-
... mainder and remainders thereof: All of which said tract of
... premises were by indenture, bearing date the day before
... hereof, bargain'd and sold by the said James Duke of York
... said John Lord Berkeley and Sir George Carteret, for the term
... whole year to commence from the first day of May last past
... the date thereof, under the rent of a pepper corn, payable as
... is mentioned as by the said deed more plainly may appear

and virtue of which said indenture of bargain and sale, and of the statute for transferring of uses into possession, the said John Lord Berkley and Sir George Carteret, are in actual possession of the said tract of land and premises, and enabled to take a grant and release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said tract of land and premises; with their, and every of their appurtenances, and every part and parcel thereof, unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, to the only use and behoof of the said John Lord Berkeley and Sir George Carteret their heirs and assigns for ever; yielding and rendering therefore unto the said James Duke of York, his heirs and assigns, for the said tract of land and premises, yearly and every year the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall, London, at the Feast of St. Michael the Arch Angel yearly. And the said John Lord Berkley and Sir George Carteret for themselves and their heirs, covenant and grant to and with the said James Duke of York, his heirs and assigns by these presents, that they the said John Lord Berkley and Sir George Carteret, their heirs and assigns, shall and will well and truly pay or cause to be paid unto the said James Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and form as before in these presents is expressed and delivered. In witness whereof the parties aforesaid to these presents have interchangeably set their hands and seals, the day and year first above written.

JAMES.

Sign'd, seal'd and deliver'd in the presence of
 WILLIAM COVENRYE,
 THOMAS HEYWOOD.

**THE CONCESSION AND AGREEMENT OF THE LORDS PROPRIETORS
 OF THE PROVINCE OF NEW CAESAREA, OR NEW JERSEY, TO
 AND WITH ALL AND EVERY THE ADVENTURERS AND ALL
 SUCH AS SHALL SETTLE OR PLANT THERE—1664 ***

IMPRIMUS. We do consent and agree, that the Governor of the said Province hath power, by the advice of his Council, to depute one in his place and authority, in case of death or removal, to continue until our further order, unless we have commissioned one before.

ITEM. That he hath likewise power to make choice of and to take to him six councillors at least, or twelve at most, or any even number between six and twelve, with whose advice and consent, or with at least three of the six, or four of a greater number (all being summon'd) he is to govern according to the limitations and instructions following, during our pleasure.

ITEM. That the chief Secretary or register which we have chosen, or shall choose, (we failing) that he shall choose, shall keep exact entries in fair books of all publick affairs: and to avoid deceits and lawsuits, shall record and enter all grants of land from the lords to

* Verified by "Grants and Concessions of New Jersey." Leaming & Spicer, 2d Ed., pp. 12-26.

the planters; and all conveyances of land, house or houses from man to man, as also all leases for land, house or houses, made or to be made by the landlord to any tenant for more than one year; which conveyance or lease shall be first acknowledged by the grantor or leasor, or proved by the oath of two witnesses to the lease or conveyance, before the Governor or some chief judge of a court for the time being, who shall under his hand on the backside of the said deed or lease, attest the acknowledgment or proof as aforesaid; which shall be a warrant for the register to record the same: which conveyance so recorded shall be good and effectual in law, notwithstanding any other conveyance, deed or lease for the said land, house or houses, or for any part thereof, altho' dated before the conveyance, deed or lease, recorded as aforesaid: And the said register shall do all other thing or things that we by our instructions shall direct, and the Governor, Council and General Assembly shall ordain for the good and welfare of the said Province.

ITEM. That the Surveyor General, that we have chosen or shall choose, (we failing that the Governor shall choose) shall have power by himself or deputy, to survey, lay out and bound all such lands as shall be granted from the lords to the planters; and all other lands within the said Province which may concern particular men as he shall be desired to do, and a particular thereof certify to the register to be recorded as aforesaid. Provided, that if the said register and surveyor, or either of them, shall misbehave themselves, as that the Governor and Council or Deputy Governor and Council, or the major part of them, shall find it reasonable to suspend their actings in their respective employments, it shall be lawful for them so to do, until further orders from us.

ITEM. That the Governor, Councillors, Assembly Men, Secretary, Surveyor, and all other officers of trust, shall swear or subscribe (in a book to be provided for that purpose) that they will bear true allegiance to the King of England, his heirs and successors; and that they will be faithful to the interests of the Lords Proprietors of the said Province and their heirs, executors and assigns; and endeavour the peace and welfare of the said Province; and that they will truly and faithfully discharge their respective trust in their respective offices, and do equal justice to all men, according to their best skill and judgment, without corruption, favour or affection; and the names of all that have sworn or subscribed, to be entered in a book. And whosoever shall subscribe and not swear, and shall violate his promise in that subscription, shall be liable to the same punishment that the persons are or may be that have sworn and broken their oaths.

ITEM. That all persons that are or shall become subjects of the King of England, and swear, or subscribe allegiance to the King, and faithfulness to the lords, shall be admitted to plant and become freemen of the said Province, and enjoy the freedoms and immunities hereafter express'd, until some stop or contradiction be made by us the Lords, or else the Governor, Council and Assembly, which shall be in force until the Lords see cause to the contrary: provided that such stop shall not any ways prejudice the right or continuance of any person that have been receiv'd before such stop or orders come from the General Assembly.

...the Governor or his deputy
...the absence of the Gov-

TO HAVE POWER

...of meeting and to adjourn their
...and places as they shall think
...the number of their quorum; pro-
...than the third part of the whole,
...power of the General Assembly.
...laws, acts and constitutions as shall
...of the said Province, and them

... as to the
... in order
... of the said Governme
... and security of the said Provinc
... within the said Provinc
... their necessary courts, jurisdictions
... most and convenient
... into hundreds, parishes, tribes, or
... and districts, as they shall think fit; and they
... distinguish by what names we shall order or direct
... by such names as they please: As also
... to create and appoint such and so many ports,
... and other places for the convenient lading and unloading
... out of ships, boats, and other vessels
... with such jurisdictions, privileges and franchises
... belonging, as they shall judge most conducive
... of the said Plantation or Province.

VI. By their enacting to be confirm'd as aforesaid, to erect
and build within the said Province or any part thereof, such
many forts, fortresses, castles, cities, corporations, boroughs,
villages, and other places of strength and defence; and they
of them, to incorporate with such charters and privileges, as
shall seem good, and the grant made unto us will permit;
some or any of them to fortify and furnish with such provision
of ordnance, powder, shot, armour, and all other
ammunition and abillments of war, both offensive and defensive
shall be thought necessary and convenient for the safety and

...the good, property
...by these persons
...expended.

...expressed
...by the laws of the General
...civil and military, do and
...respectively, according to the
...for swerving from the laws, or
...the nature of their offences shall

...of the General Assembly, to
...several judges, members and officers
...tical or ministerial and all other
...and their commissions, powers, and
...*provided*, that they appoint none
...in the Province aforesaid, unless the

...in the said Province, and to the said Governor and Council, under a seal to be provided for that purpose, in such order and method as shall be laid down in this declaration, and more at large in the instructions to the said Governors, and Council.

AND THAT THE LANDS MAY BE THE MORE REGULARLY LAID OUT AND THE PERSONS THE BETTER ASCERTAIN'D OF THEIR TITLE AND POSSESSIONS, WE DO hereby declare, that the said Governor and Council, and General Assembly (if any) shall be and they are to take care and direct, that all lands be divided by general

The Governor and Council and General Assembly (if any) shall be and they are to take care and direct, that all lands be divided by general

... and the day of
... of the
... to be holden of the
... common assize; the first
... and twentieth day of March,
... thousand six hundred and
... Given under the seal of
... in the year of our Lord

... or his deputy hath hereby full
... Province, and to subscribe his
... major part of them, are to sub-
... instrument or grant is to be by the
... records for that purpose; all which
... instructions we hereby declare, that
... law for the enjoyment of the said
... and profits and in the same (except
... and silver) paying the rents as afore-
... so granted, shall by the space
... be planted with a sufficient number of
... that then it shall be lawful for us

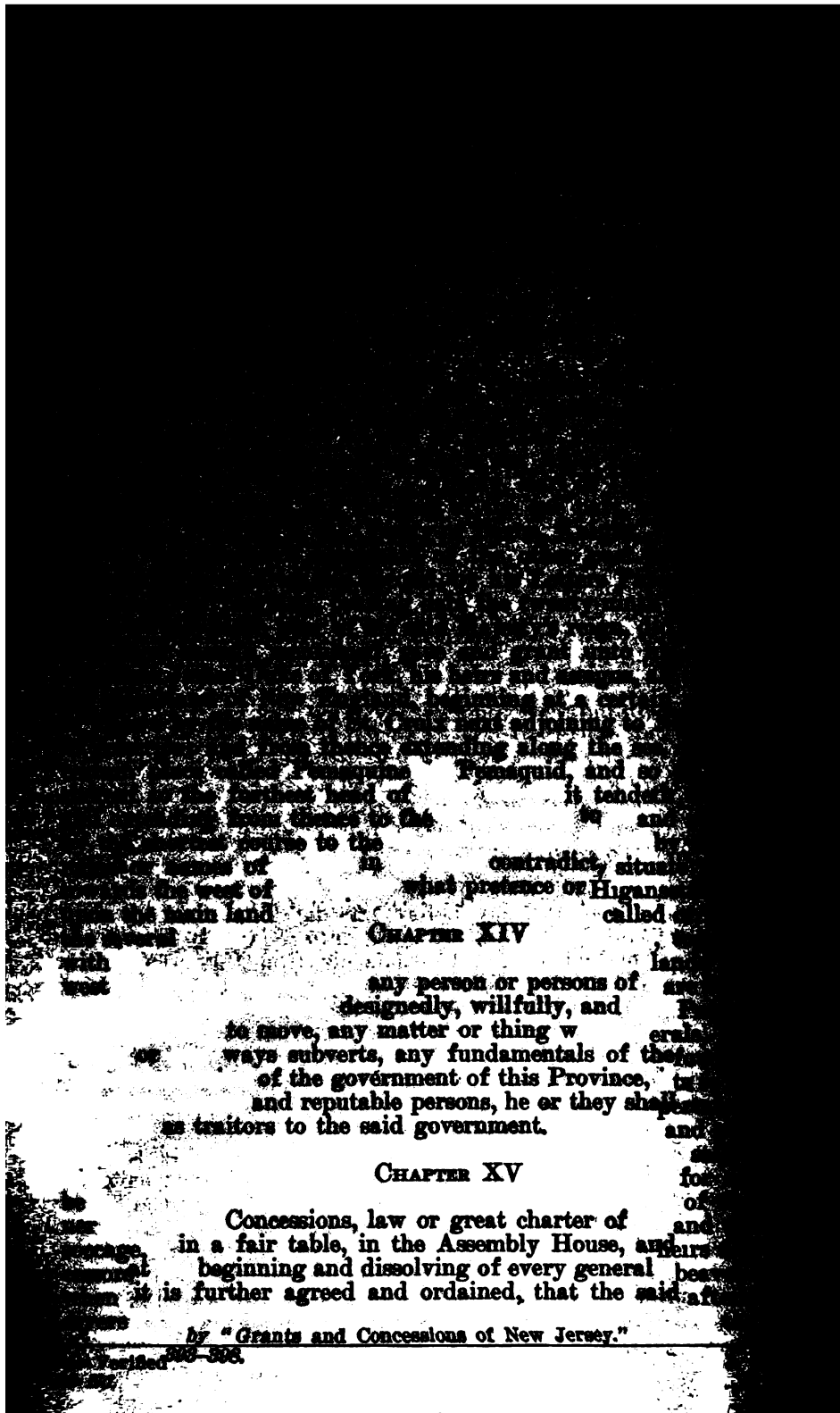
...and his
...the Govern
...the said
...advice and as
...invasion or intestine
...the Governor and his
...whatsoever whether free-

...the regular laying out
...townships, and quantities
...is left to the freeholders or
...agree with the Governor and
...Assembly, but to be laid out by the
...not exceeding the proportions
...by the Governor and Secretary
...Council or any part of them be not

...understand that in all General As-
...Council are to set by themselves, and

...the said river called Hudson's river, and all the lands
west side of Connecticut river to the east side of Delaware
also several other islands and lands, in the said Letters Patented
mentioned, together with the rivers, harbors, mines, minerals,
woods, marshes, waters, fishing, hawking, hunting, and for
all other royalties, profits, commodities and hereditaments
several islands, lands and premises belonging or appertaining
have and to hold the said lands, islands, hereditaments and
with their and every of their appurtenances, unto his
Highness James Duke of York, his heirs and assigns for
ever to be holden of his said Majesty, his heirs and successors as of
the Manor of East Greenwich in the County of Kent, in free and
sole tenure, yielding and paying to his said Majesty his heirs
and assigns of and for the same, yearly and every year, forty beeves
of the best sort they shall be demanded, or within ninety days after
the said other grants, clauses, provisoes, and agreements in

... George Carteret,
... the eighth and
... under the rent
... as by the said
... and virtue of which said
... statute made for trans-
... Sir George Carteret, is in
... and premises, and enabled
... said lease being made to that
... and singular the said tract
... every of their appurtenances,
... to the said Sir George Carteret,
... of the said Sir George Carteret
... and paying therefore unto
... and assigns, for the tract of
... twenty nobles of lawful money
... lawfully demanded at or in the



CHAPTER XIV

any person or persons of
designedly, willfully, and
to move, any matter or thing w
ways subverts, any fundamentals of the
of the government of this Province,
and reputable persons, he or they shall
as traitors to the said government.

CHAPTER XV

Concessions, law or great charter of
in a fair table, in the Assembly House, and
beginning and dissolving of every general
it is further agreed and ordained, that the said
by "Grants and Concessions of New Jersey."

...the said court, returnable at a day cer-
tain, in such suit or suits; and if
...summons, and non-appearance of
...attachment shall or may be issued
...persons of such defaulters, to
...court, returnable at a day cer-
...every twenty miles, two days
...English of the said court,
...constituted and
...place, if in the
...have personal
...cases fictitious,
...as for

And if any judgment shall be past, in any case civil or criminal, by the solemn and plain averment, of at least two reputable persons; and in case that any person or persons shall give false witness, and bring in his or their evidence, contrary to the truth of the matter as shall be made plainly to appear, every such person or persons, shall in civil causes, suffer such damages as shall be due to the person or persons he or they shall be against. And in case any witness or witnesses, on the

CHAPTER XX

That in all matters and causes, civil and criminal, proved by the solemn and plain averment, of at least two reputable persons; and in case that any person or persons shall give false witness, and bring in his or their evidence, contrary to the truth of the matter as shall be made plainly to appear, every such person or persons, shall in civil causes, suffer such damages as shall be due to the person or persons he or they shall be against. And in case any witness or witnesses, on the

...the Province may
...the first day of July, Anno
...and twentieth year of the reign of
...the Second, over England, &c.
...be free from oppression

CONCURRENCE, BETWEEN E. AND W.
1676

...the first day of July, Anno
...and twentieth year of the reign of
...the Second, over England, &c.

...of New Jersey." Leaming & Spicer.

...the northward
...of Delaware
...latitude, and
...river in forty one
...then afterwards to
...or New Jersey; and
...hawking, hunting,
...commodities and hereditaments,
...belonging, or in
...of their appurtenances,
...was or were granted to his
...York, in and by the said therein
...; and all the estate, right,
...and demand of the said James
...and premises, or any part or
...and reversions, remainder and re-
...hold unto the said John Lord Ber-
...heirs and assigns for ever, under
...payable unto his said Royal
...York, in manner as the same is

...of the said lands and premises, and the several and respective premises therein contained, unto the said William Penn, Gawn Lawry and Nicholas Lucas, of the one part, and the said John Fenwick, of the other part, by and by the means of the said Edward Billinge, of the County of Middlesex, Esquire, as aforesaid, by and by the means of the said Edward Billinge, of the County of Middlesex, Esquire, and the revocation and confirmation of the said several and respective indentures of the same, to have and to hold unto the said William Penn, Gawn Lawry and Nicholas Lucas, his heirs and assigns forever, to the use and behoof of the said John Fenwick his heirs and assigns forever, by the said last recited indentures of bargain and sale, as the same more at large had, it may appear. *And whereas* in and by the said several indentures, the one being an indenture of bargain and sale, bearing date the ninth day of the month of June, which was in the year of our Lord 1674, and made between the said John Fenwick and Edward Billinge, of the one part, and the said William Penn, Gawn Lawry and Nicholas Lucas of the other part; and the other being an indenture tripartite of grant, revocation and confirmation, bearing date the tenth day of the same month, Anno Domini 1674, and made between the said John Fenwick of the first part: The said Edward Billinge of the second part, and the said William Penn, Gawn Lawry, and Nicholas Lucas of the third part; and by several other good and sufficient conveyances and assurances in the law duly executed, the said moiety or half part of the said tract of land, and the said moiety or half part of the other the said several and respective premises so conveyed by the said John Fenwick as aforesaid, with all and every the rights, liberties and appurtenances of the same, were convey'd unto the said William Penn, Gawn Lawry and Nicholas Lucas, as

...the said Sir George
...Edward Billinge,
...from Manchester
...New Jersey, all that
...tract of land and prem-
...of the aforesaid strait and
...from north to south as a fore-
...described. Now these presents
...of the said before recited
...of the said conditions are
...and in consideration of five
...Penn, Gawn Lawry, Nicholas
...paid by the said Sir George
...do hereby respectively acknowl-
...and they the said William Penn,
...by and with the consent, direction
...Edward Billinge, testified by his being
...ing and executing of these presents,

... the said north partition point, ... the said south partition point, ... the line of partition, which is the ... intended, by the said consent ... the said parties, for the dividing and making a part ... of the said easterly part, share and portion, from ... share and portion of the said tract of land and premises ... by his said Royal Highness aforesaid, in and by the ... to be bargain'd, sold and convey'd by the said ... Contract unto the said William Penn, Gawn Lawry as ... Lucas, and all and every the isles, islands, rivers, mires, ... woods, fishing, hawkings, huntings, and fowlings; and all ... alms, governments, powers, forts, franchises, harbours, ... remedies and hereditaments whatsoever, unto the said ... share and portion of the said tract of land and premises be ... in any wise appertaining, with their and every of their ... names, and all the estate, right, title, interest, benefit, ... claim and demand whatsoever, as well in law as in equity, ... said Edward Billinge, William Penn, Gawn Lawry, Nicholas ... and each and every of them, of, in, unto, and out of the said ... part, share and portion, easterly parts, shares and portions ... of land and premises, and of, in, unto and out of every

...and all that and those other part

...the said Sir George Carteret, of, in, unto
...unto and out of every part and parcel
...with the reversion and reversions, remainder
...and of every part and parcel of the same
...and services upon any estates or grants hereto
...by the said Lord Berkeley and Sir George Carteret
...of any part or parts of the said premises here
...to the said William Penn, Gawn Lawry, and Nicholas
...or hereby mentioned, or intended so to be; all
...westerly part, share and portion, parts, shares and por
...said tract of land and premises are now by the consent
...ment of the parties to these presents, called and agreed
...forth to be called by the name of West Jersey, and is
...only all that part, share and portion, and all those parts
...portions, of the said tract of land and premises so conveyed
...said Royal Highness as aforesaid, as lyeth extended west
...southward from the west side of the said line of parts
...mentioned, to have and to hold unto the said William Penn,
...Lawry, and Nicholas Lucas, their heirs and assigns in
...the only use of the said William Penn, Gawn Lawry and
...Lucas, and of their heirs and assigns forever. And the

... presents, and of
... rest of twenty
... due and payable unto
... of York, and his heirs,
... in manner following,
... part thereof by the said Sir
... and to be issuing out of, and
... and share of the said prem-
... the said Sir George Carteret, his
... moiety or half part thereof by
... Lawry and Nicholas Lucas, their
... out of, and charged and charge-
... the said premises which is hereby
... Penn, Gawn Lawry and Nicholas
... *In witness* whereof all the said re-
... have to each part of these presents

... in the County of Hertford, in the Kingdom of England, in the Parish of St. Pauls Church, in the County of Middlesex, in the City of London, did (amongst several other things) give and grant unto his said Royal Highness the Duke of York, his heirs and assigns, all that part of New England, in the parts of America, and to the westward of Long Island, and Manhattan Island, on the east part by the main sea, and part by the bay, upon the west Delaware bay or river, and extending to the main ocean, as far as Cape May, at the mouth of the bay, and to the northward, as far as the northern bay or river of Delaware, which is in one and forty minutes of latitude, and crossing over the parallel line to Hudson's river, in one and forty degrees of latitude, said tract of land, was then after to be called by the name of Caesarea, or New Jersey, with all the lands, islands, harbours, mines, minerals, quarries, woods, marshes,

...and William Penn,
...and undivided hundred
...Fenwick, and of his heirs
...equal and undivided
...society, to the use of
...and Nicholas Lucas, their
...the said Edward Byllynge, his
...the said John Fenwick, con-
...divided hundred parts, of the
...Eldridge, and Edmund Warner
...And the said John Eldridge, and
...same ten equal and undivided
...William Penn, Gawen Lawry, and
...designs forever, the better to enable
...William Penn, Gawen Lawry, and

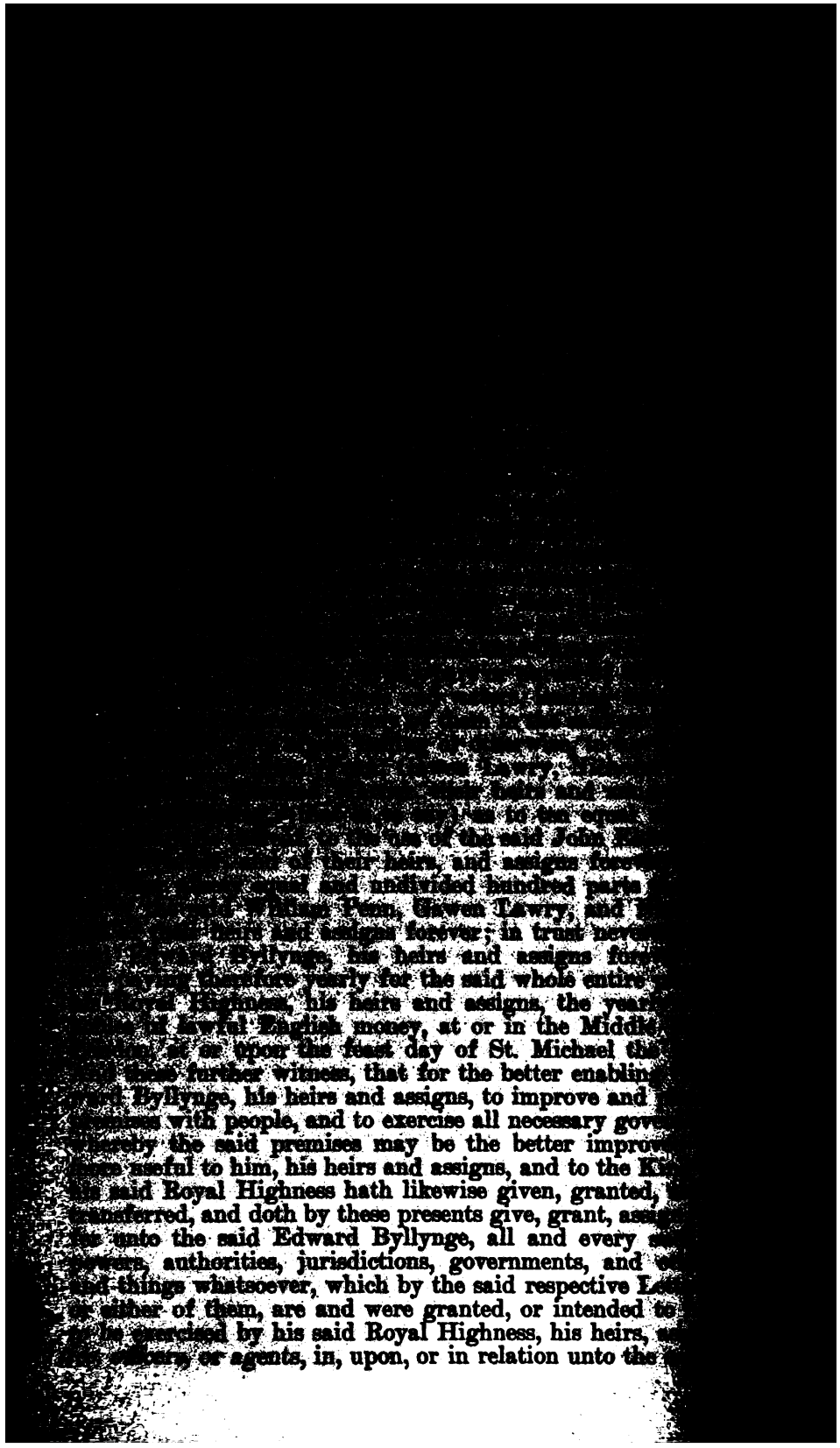
IN THE NAME OF OUR LORD GOD AMEN.
WE, THE LORDS OF OUR MOST EXCELLENT
MAGNETY KING CHARLES THE FIRST,
BY THESE OUR LETTERS UNDER THE GREAT SEAL OF GREAT
BRITAIN, DO hereby give licence, full power, sole privilege, and
authority unto WILLIAM PENN, Esquire, our especial favourite,
our chief counsellor, and now our Secretary, and now
our Ambassador, in the County of Middlesex, in the
Kingdom of Great Britain, that he should, his heirs and assigns, all that tract of land in the parts of America, and lying
between the west Delaware bay or river, and extendeth
to the main ocean, as far as Cape May, at the mouth of
the bay, and to the northward, as far as the northernmost branch
of the river of Delaware, which is in one and forty degrees
and thirty minutes of latitude, and crossing over thence in a
line to Hudson's river, in one and forty degrees of latitude,
said tract of land, was then after to be called by the name
of Neusea, or New Jersey, with all the lands, islands, soles,
harbours, mines, minerals, quarries, woods, marshes, waters,

* Verified by "Grants and Concessions of New Jersey." Leaming
2d Ed. pp. 412-413.

...and by the
...old Edward
...said John Fen-
...the said Edward
...among the said
...said William Penn,
...their heirs, to the use
...and undivided hundred
...Fenwick, and of his heirs
...equal and undivided
...divided moiety, to the use of
...and Nicholas Lucas, their
...the said Edward Byllynge, his
...the said John Fenwick, con-
...divided hundred parts, of the
...Eldridge, and Edmund Warner
...and the said John Eldridge, and
...the same ten equal and undivided
...William Penn, Gawen Lawry, and
...assigns forever, the better to enable
...William Penn, Gawen Lawry, and

... and Sir George Carteret, of, in
... the reversion and reversions; thus
... the same and of every part and parcel
... shares and portion, was then and at
... of the said parties, the said
... William Penn, Gawen Lawry, Nicholas Lucas,
... called and agreed from thenceforth to be
... of West New Jersey, and all that and only all that
... portion, and all those parts, shares and portions
... of land and premises, so conveyed by the said James
... York, unto the said John Lord Berkley, and Sir George
... aforesaid, as lyeth, and lye extended westward and south
... the west side of the said line of partition before men-
... hold unto the said William Penn, Gawen Lawry, and Nicho-
... their heirs and assigns, in severalty to the use of them,
... and assigns forever. Upon which partition so made, the
... William Penn, Gawen Lawry, and Nicholas Lucas, bec-
... of all that westerly part of the said premises as now
... New Jersey, with the appurtenances in severalty. And
... seised pursuant to a trust for that purpose reposed in-
conveyed ten full equal undivided hundred parts of the said

...and improving of
...and territories thereof
...from time to time, with
...to go or be transported
...the defending, guarding
...the well governing of the same,
...in the same, and for the
...of necessary and convenient laws
...the government, and the punishing
...as occasion shall require; and
...and confirm, and also to revoke,
...singular governors, officers, and
...Highness, his heirs or assigns,
...fit or needful to be made, or
...said parts or places, or any of them.
...and useful, and necessary for the
...and preserving the said respective
...of them and all such as are and
...Now these presents witness, that for



...and improving of
...territorial thereby
...these lines, such
...to territories
...so deal with
...the well to come, we the
...of West New
...prevention of
...our posterity, and for
...ty of the same; and that
...in their several places:
...agreements to be as funda-
...held inviolable, and that no
...may make void or disanul the
...Free Assembly for the Province
...a day certain, chosen by the free
...of New Jersey." Leaming, & Spicer.

VI. That the General Free Assembly from time to time shall be composed of the representatives of the people, who shall be elected (before the expiration of one year) to continue for one year from the day of their election) without their own consent.

VII. That it shall not be lawful for the Governor or his heirs or successors for the time being, and Councilors, to levy or raise any sum or sums of money, or to do anything, without the act, consent and concurrence of the General Free Assembly.

VIII. That all officers of State, or trust, relating to the Province, shall be nominated and elected by the General Free Assembly for the time being, or by their appointment; which officers shall be accountable to the General Free Assembly, or to the said Assembly shall appoint.

IX. That the Governor or the Province aforesaid, or his successor for the time being, or any of them, shall not make any treaties, or enter into an alliance upon the account of the said Province, without the consent of the General Free Assembly.

X. That no General Free Assembly hereafter to be held for the people of the Province aforesaid, shall give to the

John Dean,
of London; Robert Dean,
of London; Esq.; David
Gordon, of Cluny, in
the county of Wallingford, in
the county of Warminghurst, in
the city of the Middle Temple,
of London, gentleman; Samuel
of the county of Middlesex, mar-
of the said county of Middlesex,
forecaid, merchant; Ambrose
of Surry, gentleman; Thomas
of London; Gawn Lawry, of
of the city of Westminster, in
of London; James Braine, of London, mer-
and haberdasher, of London; John
of London; Hugh Hartshorn, citizen

of New Jersey." Leaming & Spicer.

... in the year of his said Majesty's reign, the said Duke of York, did by his letters under the great seal of Great Britain, bearing date the twenty-third day of the month of December, in the seventh year of his said Majesty's reign, and in the second year of the said Duke of York's reign, grant and convey the said tract and premises before mentioned, to John Lord Berkeley, by the advice of his Majesty's most honourable Privy Council, George Carteret, of Salterem, in the county of Devonshire, Knight, and one other of his Majesty's most honourable Council, and their heirs, the said tract and premises before mentioned, and the reversion and reversions, remaining of the same, to hold unto the said John Lord Berkeley, George Carteret, their heirs and assigns for ever, at the rent of twenty nobles sterling, payable as the same may be required. AND WHEREAS his said Majesty did by his letters under the great seal of Great Britain, bearing date the twenty-ninth day of June, in the second year of his said Majesty's reign, grant and convey unto the said Duke of York, and his heirs forever, as well the said tract

... the said William Penn, Gawn
... the said Byllynge, and of each and every
... the said easterly part, share and portion
... premises, and every part and parcel

... the said Earl of Bath, the said Lord Crew, Bernard Green-
ville, Sir Robert Atkins, and Sir Edward Atkins, by their
indenture bearing date the fifth and sixth days of Fe-
bruary last past, and shortly after dyed, and the said
Earl of Bath, Thomas, Lord Crew, Bernard Greenville,
Sir Robert Atkins; and Sir Edward Atkins, by their
indenture bearing date the fifth and sixth days of Fe-
bruary last past, and shortly after dyed, have by their
indenture bearing date the fifth and sixth days of Fe-
bruary last past, and shortly after dyed, conveyed
and assigned, amongst other things, to Thomas Cremer, of the
parish of St. Dunstons, Holbourne, in the county of Middlesex,
Thomas Pocock of the same, gentleman, as by the in-
denture bearing thereunto had, it may appear. AND WHEREAS
the said Earl of Sandwich, by his indenture bearing date the two
and twentieth day of February last past, hath released all his estate, interest
and right, in and unto the said premises, to the said Earl of Bath, Lord Crew,
Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins,
and their heirs, as by the said indenture, relation being thereunto
made, may appear. AND WHEREAS the said Earl of Bath, Lord Crew,
Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins,
by their consent and direction of dame Elizabeth Carteret, relick
and executrix of the said Sir George Carteret; and the said Thomas
Pocock, by the consent and direction of the said Sir George
Carteret, Earl of Bath, Lord Crew, Bernard Greenville,
Sir Robert Atkins and Sir Edward Atkins, have by indenture
bearing date the first and second days of February last past,
released and conveyed to the said William Penn, Richard
Budyard, Samuel Groomé, Thomas Hart, Richard

...the punishment, and
...shall require, and to
...to revoke, discharge
...and magistrates, which
...assigns, shall be from time
...made, ordained, appointed or
...of them; and to do all other
...for the well governing, keep-
...respective places and terri-
...all such as are and shall be
...witness, that for and in con-
...lawful English money, unto his
...and for the better extinguishing
...and Royal Highness, or his heirs,
...colonies aforesaid, now called East
...and for the further and better
...and confirming of the same, and of
...the purport and true meaning of

James, Earl of Perth, Robert Barckly, David Barckly, Robert Gordon, William Penn, Robert West, Thomas Rudyard, Thomas Hart, Richard Mew, Ambrose Rigg, John Hartshorne, Clement Plumstead, Thomas Cooper, Edward Byllynge, James Braine, William Barker, Robert Turner and Thomas Warne, their heirs and assigns, and behoof of them the said James, Earl of Perth, Robert Barckly, David Barckly, Robert Gordon, William Penn, Robert West, Thomas Rudyard, Thomas Hart, Richard Mew, Ambrose Rigg, John Hartshorne, Clement Plumstead, Thomas Cooper, Edward Byllynge, James Braine, William Barker, Robert Turner and Thomas Warne, their heirs and assigns, do for themselves and their heirs, executors, administrators, covenant, promise and agree to and with his Majesty, his heirs and assigns, to pay, or cause to be paid, an annual rent of ten nobles, on the days and times herein before expressed, for payment thereof. And these presents further witness

...the said Royal Highness
...the punishment and
...shall receive and
...also to revoke,
...and Letters Patents, or
...assigns thereof, con-
...that these presents
...of the said Royal Highness
...In witness whereof
...indentures, interchange-
...all day and year first above

JAMES.

...Highness, in the presence of
...and
...witnesses
...and
...the

...the great council shall see meet to call the
...of one hundred forty-four, and then shall
...council, how many shall come out of each to

...of the great Council,
...which being admitted to be
...wherin two parts of three
...of the Proprietors, or their
...shall also be requisite after the
...shall any law be made or enacted
...in any ways touches upon the goods
...thus passeth in the great Council;
...any money or goods without a
...public enemy to the Province, and
...thereof: also the quorum of this
...Proprietors, or their proxies, and
...in determination, the proportion-
...and freemen must agree, viz. two

...the said Province, and to the said Proprietors, and to every the Adventurers, and to the said Province in Anno 1629, and to the said seven articles, that the great Council be not confirmed as these expressed, to build castles, cities and other places of defence, and to fortify and furnish with such provisions of ordnance, powder, shot, armour and all other munition and abillments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and defence of the said Province; as also to constitute train bands, and to determine the number of the soldiers, for the safety, strength and defence of the aforesaid Province; to suppress all mutinies, and to make war offensive and defensive, against all and sundry, that shall infest the said Province, not only to keep the enemy out of the limits, but also, in case of necessity, the enemy by sea and land to pursue out of the limits and jurisdiction of the said Province; that amongst the present Proprietors there are several, who have no freedom to defend themselves, and others who judge it their duty to defend themselves, and to be armed, with arms; it is therefore agreed and consented, that the said Proprietors do by these presents agree and consent

...in the County of Greenwich, in the
...and not in the
...the twenty third
...year of said
...mentioned,
...before
...of his
George
Barnet,
and

rent
to paid.
agents,
of his
business,

assurances
twenty
reach
said
Privy
county
by sea and
necessary
of the
use of arms
they shall not
out of six
other inhabi
of arms, to
the

... the said Proprietors, viz: one ninety sixth part of
... the right of government, and it shall pass to
the greatest share of that propriety, exceeding three
proportion: But if two or three has each one and
they shall have it successively year about, like as ends
is in two hands, he who is upon the place, if the
sick or under age, shall still have it; but if both
turns as abovesaid; and if in a provided prop
the proxies must be constituted by both; if but t
number if there be more. And if any who sells ses
propriety, and retains one ninety sixth part and the *ment*
ment portion be absent, whoever has shares for

... shall be registered in a public register to be kept in every county by law; also there is to be a register in each county of all marriages, burials and servants, where their names and days of payment shall be registered; but the manner of settling these registers is recommended to the justices; and the fees which are to be moderate and certain, shall be paid at more in any office, directly or indirectly by himself, shall forfeit his office.

XIX. That no person or persons within the said county shall be taken and imprisoned, or be devised of his freedom or liberty, or be outlawed or exiled, or any other way, nor shall they be condemn'd or judgment pass'd upon them, without judgment of their peers: neither shall justice nor right be sold, deferred or delayed, to any person whatsoever: in all causes by the laws of the land, all tryals shall be by twelve men, as it may be, peers and equals, and of the neighborhood, without just exception. In cases of life there shall be at least four returned by the sheriff for a grand inquest, of which at least shall be to find the complaint to be true; and three men or peers to be likewise returned, shall have the first view; but reasonable challenges shall be always admitted against them, or any of them: but the manner of returning them shall be thus, the names of all the freemen above five and twenty within the district or boroughs out of which the jury is to be drawn shall be written on equal peices of parchment and parchment, and then the number of the jury shall be drawn out by

ten years of age. And in all courts persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own causes themselves, or if unable, by their friends, no person being allowed to take money for pleading or advice in such cases: and the first process shall be the exhibition of the complaint in court fourteen days before the tryal, and the party complain'd against may be fitted for the same, he or she shall be summoned ten days before, and a copy of the complaint delivered at their dwelling house: But before the complaint of any person be received, he shall solemnly declare in court, that he believes in his conscience his cause is just. Moreover, every man shall be first cited before the court for the place where he dwells nor shall the cause be brought before any other court but by way of appeal from sentence of the first court, for receiving of which appeals, there shall be a court consisting of eight persons, and the Governor (protempore) president thereof, (to wit) four Proprietors and four freemen, to be chosen out of the great Council in the following manner, viz. the names of sixteen of the Proprietors shall be written on small pieces of parchment and put into a box, out of which by a lad under ten years of age, shall be drawn eight of them, the eight remaining in the box shall choose four; and in like manner shall be done for the choosing of four of the freemen.

XX. That all marriages not forbidden in the law of God, shall be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publickly intimated in such places and manner as is agreeable to mens different persuasions in religion, being afterwards still solemnized before creditable witnesses, by taking one another as husband and wife, and a certificate of the whole, under the parties and witnesses hands, being brought to the proper register for that end, under a penalty if neglected.

XXI. That all witnesses coming or called to testify their knowledge in or to any matter or thing in any court or before any lawful authority within the Province, shall there give and deliver in their evidence by solemnly promissing to speak the truth, the whole truth and nothing but the truth to the matter in question. And in case any person so doing shall be afterwards convict of willful falsehood, both such persons as also those who have proved to have suborn, shall undergo the damage and punishment both in criminal and in civil; the person against whom they did or should have incurred, which if it reach not his life, he shall be publickly exposed as a false witness, never afterwards to be credited before any court; the like punishment in cases of forgery, and both criminals to be stigmatized.

XXII. Fourteen years quiet possession shall give an unquestionable right, except in cases of infants, lunaticks or married women, or persons beyond sea or in prison. And whoever forfeits his estate to the government by committing treason against the Crown of England, or in this Province, or by any other capital crime, the nearest of kin may redeem it within two months after the criminals death, by paying to the public treasury not above one hundred pounds, and not under five pounds sterling, which proportion the common Council shall determine, according to the value of the criminals estate, and to the nature of the offence; reparation to any who have suffered by him, and payment of all just debts being always allowed.

...the King's Majesty in his
...shall well and lawfully
...his Majesty's
...the true right of
...both of the Proprietors
...the people: it's therefore
...whatever is necessary to be retained
...that henceforward there is nothing further
...that which relates to the said
...being always accepted
...that all judicial and legal proceedings hereafter
...be held, approved and confirmed.

Drummond. Robert Burnet. Bar. Gibson.
Gawn Lawry. Perth. William Gibson.
Thos. Hart. Thomas Barker and as
Riggs. Clement Plumstead, proxy for
Sonmans. Robert Turner and Thomas C

**THE KING'S LETTER RECOGNIZING THE PROPRIETORS' RIGHTS
TO THE SOIL AND GOVERNMENT—1674**

CHARLES, R.
WHEREAS his Majesty for divers good causes and
him thereunto moving, by Letters Patents bearing date
ninth day of June, Anno Domini 1674, in the twenty
his Majesty's reign, was pleased to give and grant

* Verified by "Grants and Concessions of New Jersey." 2d ed., pp. 151-152.

... as also to their
... lawfully con-
... and authorities granted
... will and pleasure, the Gov-
... public notice, his Majesty
... compliance with this his
... as well without the Prov-
... presents do or may concern) as
... at their peril. Given at the
... day of November, 1688, in the

SUNDERLAND.

... of East New Jersey, for the time
... tenants, and all others concerned in

James Oglethorpe,
John White,
John Marshall,
John Hill, Andrew,
Lord Chamberlain,
Earl of Dorset,
Earl of Manchester,
Earl of Stamford,
Earl of Burlington,

James Oglethorpe,
John White,
John Marshall,
John Hill, Andrew,
Lord Chamberlain,
Earl of Dorset,
Earl of Manchester,
Earl of Stamford,
Earl of Burlington,

This day the several Proprietors of East
America, did in person present a deed of surrender
under their hands and seals, to her Majesty,
acknowledga the same to be their act and deed,
her Majesty accept the same, that it might be
of Chancery, whereby they did surrender their power
of those plantations: Which her Majesty
and was pleased to order as it is hereby ordered,
enrolled in her Majesty's said High Court of Chancery,
did surrender their power of the Government of
which her Majesty graciously accepted and was pleased
it is hereby ordered, that the same be enrolled in
High Court of Chancery, and the said instruments
to Mr. Attorney General, who is to take care that
rolled accordingly.

A true copy.

Examined the foregoing copy with the entry, register book, in the office of his Majesty's privy Council, and found the same to contain a true copy.

JAMES

* Verified by "Grants and Concessions of New Jersey." 2 ed., pp. 617-618.

...the sixteenth year of his
...of York, his heirs
...New England, begin-
...the name of Saint Croix,
...and from thence extend-
...place called Pennaquod or
...to the furthest head of the
...from thence to the river
...shortest course to the river
...island or islands commonly
...at Manowacks, or Long Island,
...the west of Cape Codd and the
...main land between the two rivers
...names of Connecticut and Hud-
...said river called Hudson's river,
...side of Connecticut river to the east
...all those several islands called or
...Vinyard, and Nantucks or Nan-
...lands, islands, soils, rivers, harbours,
...marshes, waters, lakes, fishings,
...and all other royalties, profits, com-
...the several islands, lands, and premises,

... James Duke of
... and West Jersey, past
... are by mean con-
... into and vested in
... Paul Dominique, Rob-
... Watts, Edward Richier,
... Waiting, John Willcocks, John
... Obediah Burnett, Joseph
... Benjamin Levy, Francis Minshall,
... Bennet, John Booker, Benjamin
... Harrison, John Jurin, Richard
... Francis Mitchell, Tracy Paunceford,
... Holland, William Dockwra, Peter
... Charles Ormston, Edward Antill,
... Madcock, Thomas Barker, Thomas
... Forster, John Johnstone, David Lyell,
... Thomas Gordon, John Barclay,
... Allison, and Richard Hasel, the pres-
... also have claimed, by virtue of the
... conveyances to exercise within the said
... the inhabitants thereof, all the powers
... granted by the said Letters Patents

James Mitchell, Tracy Farnsworth, William
William Docwra, Peter Sommers, James
Edward Anthill, George Wilcock,
Thomas Barker, Thomas Cooper, Robert Barker,
John Johnston, David Lyell, Michael Hawley,
Thomas Gordon, John Barclay, Gilbert Mollison,
Haskell, &c. the present Proprietors of the said Provinces
of East Jersey, and West Jersey, for the consideration and to
the said have surrendered and yielded up, and by these presents
our heirs, do surrender and yield up unto our said
ANNE by the grace of God Queen of England, Scotland,
and Ireland, Defender of the Faith, &c. her heirs and assigns
these the said powers and authorities to correct, punish,
ordain and rule all or any of her Majesty's subjects or
persons or inhabit or hereafter shall adventure into or inhabit
said Provinces of East Jersey, and West Jersey, or either
and also to nominate, make, constitute, ordain and constitute
orders, ordinances and directions and instruments for
or any of them; and to nominate, constitute or appoint
charge, change or alter any Governor or Governors, or
Magistrates which are or shall be appointed, made or used
in the said Provinces or either of them; and to make, ordain and
constitute orders, laws, directions, instruments, forms or ceremonies
of government and magistracy, for or concerning the government
of the said Provinces aforesaid or either of them, or on the sea in going
to or from thence, or to put in execution, or abrogate, or
change such as are already made for or concerning such
or any of them; and also all those the said powers and
authorities to use and exercise martial law in the places aforesaid
and to admit any person or persons to trade or to trade
and of encountering, repelling and resisting by force
any person or persons attempting to inhabit there without
our consent, as the said Proprietors, our heirs and assigns, and

powers, authorities and privileges of or concerning the government of the Provinces aforesaid, or either of them to the inhabitants thereof, which were granted or mentioned to be granted by the said recited Letters Patents, and every of them. *In witness* whereof the persons above named have hereunto set their hands and seals this fifteenth day of April, in the year of our Lord one thousand seven hundred and two, and in the first year of her Majesty's reign.

For the Eastern Division

L. Morris, in behalf of Robert Burnett,	Peter Sonmans,
Miles Forster,	Joseph Ormston, for myself, and as proxy for Charles Ormston,
John Johnstone,	Edward Anthill, and George Willocks, and Representative of Francis Hancock,
Michael Hawdon,	Thomas Lane,
John Barclay,	Paul Dominique,
David Lyell,	Robert Mitchell,
Thomas Warne,	Joseph Brooksbank,
Thomas Gordon,	E. Richier,
Thomas Barker,	Michael Watts,
Thomas Cooper,	Clement Plumstead.
Gilbert Mollison,	
Henry Adderly, for Richard Hasel of Barbados.	
William Dockwra,	

For the Western Division

Benjamin Nellson,	John Booker,
James Wasse,	John Whiting,
Richard Harrison,	John Wilcocks,
John Jurin,	John Bridges,
Richard Greenaway,	Thomas Skinner,
Charles Michell,	Benjamin Steel,
Francis Michell,	Obadiah Burnett,
Francis Paunceford,	Jos. Micklethwait,
Wm. Hamond,	Thomas Lamb,
Ferd. Holland,	Paul Dominique,
Elizabeth Miller,	Robert Michell,
Benjamin Levy,	Jos. Brooksbanks,
Francis Minshall,	Michael Watts,
Joseph Collin,	E. Richier,
Thomas Lewis,	John Norton,
Jo. Bennet,	Eben. Jones.

Sealed and delivered by Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbanks, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, John Bennett, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Pauncefort, William Hamond, Ferdinando Holland. And for the interest the

I do hereby certify that this is a true copy from the original.

Witness my hand at New York, January 17, 1762.

SAMUEL GREENMAN, Secy.

**THE GRANT OF NEW ENGLAND TO THE
1674—EXEMPLIFIED BY QUEEN ANNE**

made, by the grace of God, of Great Britain, France
and Ireland, Defender of the Faith, &c. To all to whom
these letters shall come greeting: Know ye, that among
the Papers remaining in our Secretary's Office of our Province of
New Jersey, at our fort at New York, We have inspected
certain Patents granted unto his late Royal Highness James
Duke of York, deceased, which followeth in these words.

Charles the Second, by the grace of God King of
England, France and Ireland, Defender of the Faith, &c.
whom these presents shall come greeting: Know ye, that
in consideration of the divers good causes and considerations us thereunto moved
and of our especial grace, certain knowledge, and meer motion
made unto us, we have granted, and by these presents for us, our heirs and
assigns, do give and grant unto our dearest brother James, Duke
of York, his heirs and assigns, all that part of the main land of
New Jersey, beginning at a certain place called or known by the
name of the Croix, next adjoining to New Scotland in America; and
extending along the sea coast unto a certain place called

...in their great...
...of the...
...of our special grace, certain...
...grant and declare, that such...
...from time to time shall be...
...and form aforesaid, shall and may...
...to use and exercise marshall law in...
...and sitting, in as large and ample manner...
...counties within our realm of England...
...of their commission of heutenancy, or...
...our realm. And we do further by these presents...
...and successors, grant unto our said dearest...
...of York, his heirs and assigns, that it shall and may...
...the said James Duke of York, his heirs and...
...their discretion from time to time, to admit such...
...persons to trade and traffique unto and within...
...and islands aforesaid, and into every or any part...
...and to have, possess and enjoy any lands or hereditaments...
...and places aforesaid, as they shall think fit, according...
...orders, constitutions and ordinances by our said...
...deputies, commissioners and assigns from time to time...
...and established by virtue of, and according to the...
...meaning of these presents; and under such conditions...
...and agreements as our said brother, his heirs or assigns...
...order, direct and appoint and not otherwise as aforesaid...
...do further of our especial grace, certain knowledge, and...
...for us, our heirs and successors, give and grant unto our...
...brother, his heirs and assigns, by these presents, that...
...may be lawful to and for him, them or any of them, at...
...time and times hereafter, out of any our realms or...
...soever, to take, lead, carry and transport in and into...
...and for and towards the plantations of our said...
...islands, all such and so many of our loving subjects...
...strangers, being not prohibited or under restraint, that...
...our loving subjects and live under our allegiance, as...
...accompany them in the said voyages; together with all...
...ing, implements, furniture and other things usually tra

...of the premises
...into any
...or corporate, or
...or imperfection whatso-
...altho' express men-
...or any of them,
...by any of our progenitors or
...James Duke of York, in
...act, ordinance, provision,
...had, made, enacted, ordained
...or thing whatsoever to the
...standing. In witness whereof
...made patent. Witness ourself
...March, in the sixteenth year of

...presents we have caused to be
...we have caused our seal of our
...hereunto affixed. WITNESS our
...Hunter, Esq.; our Captain General
...Provinces of New York, New Jersey
...in America, and Vice Admiral
...New York, this thirtieth day of
...rign.

H. WILEMAN, *Dep. Scry.*

...the same effectually to...
...the continental congress...
...has advised each of the...
...to adopt for themselves...
...shall best conduce to their own...
...from "Acts of the General Assembly...
...Trenton, MDCCLXXXIV," pp. 111-112...
...the Extracts from the Journal of Proceedings...
...New Jersey. Held at Trenton in the month...
...1776. Published by order. Burlington: Printed...
...MDCCLXXV. Woodbury, N. J. Reprinted by...
...Printer, 1836. pp. 241.

Journal of the Votes and Proceedings of the Congress...
...Burlington the Tenth of June 1776, and thence...
...Trenton and New Brunswick, to the Twenty-ninth...
...To which is annexed, Sundry Ordinances, and the Committee's...
...order. Burlington: Printed and sold by Isaac Collins, Printer...
...Reprinted by order. Joseph Justice, Printer, 1831.

* These grants embraced all the lands from the west side of the Delaware River to the east side of Delaware Bay.

† This grant was made by the Duke of York to Lord John Carteret, two months before the expedition which he had taken possession of the territory, now the State of New Jersey, first settled by the Dutch colonists of the New Netherlands.

‡ These "concessions," amended at different times, were the two provinces of New Jersey, East Jersey, and West Jersey. The proprietors and their successors surrendered their rights to the Crown, and the reunited province of New Jersey was thenceforth governed by the people ever insisting upon their rights as established in 1776 until the Revolution.

* This constitution was framed by a convention which assembled in answer to the recommendation of the Continental Congress that the colonies should form independent State governments, and which met with closed doors, successively, at Burlington, Trenton, and New Brunswick, from May 28, 1776, until July 2, 1776, with intermissions. It was presented to the people, but its publication was ordered by the convention.

‡ The legislature of New Jersey amended this constitution September 17, 1776, by substituting the words "State" and "States" for "colony" and "colonies."

the well-being of America in general:—We, the representatives of the colony of New Jersey, having been elected by all the counties, in the freest manner, and in congress assembled, have, after mature deliberations, agreed upon a set of charter rights and the form of a Constitution, in manner following, viz.

I. That the government of this Province shall be vested in a Governor, Legislative Council, and General Assembly.

II. That the Legislative Council, and General Assembly, shall be chosen, for the first time, on the second Tuesday in August next; the members whereof shall be the same in number and qualifications as are herein after mentioned; and shall be and remain vested with all the powers and authority to be held by any future Legislative Council and Assembly of this Colony, until the second Tuesday in October, which shall be in the year of our Lord one thousand seven hundred and seventy-seven.

III. That on the second Tuesday in October yearly, and every year forever (with the privilege of adjourning from day to day as occasion may require) the counties shall severally choose one person, to be a member of the Legislative Council of this Colony, who shall be, and have been, for one whole year next before the election, an inhabitant and freeholder in the county in which he is chosen, and worth at least one thousand pounds proclamation money, of real and personal estate, within the same county; that, at the same time, each county shall also choose three members of Assembly; provided that no person shall be entitled to a seat in the said Assembly unless he be, and have been, for one whole year next before the election, an inhabitant of the county he is to represent, and worth five hundred pounds proclamation money, in real and personal estate, in the same county: that on the second Tuesday next after the day of election, the Council and Assembly shall separately meet; and that the consent of both Houses shall be necessary to every law; provided, that seven shall be a quorum of the Council, for doing business, and that no law shall pass, unless there be a majority of all the Representatives of each body personally present, and agreeing thereto. Provided always, that if a majority of the representatives of this Province, in Council and General Assembly convened, shall, at any time or times hereafter, judge it equitable and proper, to add to or diminish the number or proportion of the members of Assembly for any county or counties in this Colony, then, and in such case, the same may, on the principles of more equal representation, be lawfully done; anything in this Charter to the contrary notwithstanding: so that the whole number of Representatives in Assembly shall not, at any time, be less than thirty-nine.

IV. That all inhabitants of this Colony, of full age, who are worth fifty pounds proclamation money, clear estate in the same, and have resided within the county in which they claim a vote for twelve months immediately preceding the election, shall be entitled to vote for Representatives in Council and Assembly; and also for all other public officers, that shall be elected by the people of the county at large.

V. That the Assembly, when met, shall have power to choose a Speaker, and other their officers; to be judges of the qualifications and elections of their own members; sit upon their own adjournments; prepare bills, to be passed into laws; and to empower their Speaker to

That the Governor, or, in his absence, the Vice-President of the Council, shall have the supreme execution of the laws, and act as captain-general and commander-in-chief of the militia, and other military forces, and that more of the Council shall, at all times, be ready to assist him; and that the Governor, or Vice-President of the Council, shall be the Court of Appeals, in the last resort, for all appeals in criminal cases; and that they possess the power of pardon in criminals, after condemnation, in all cases, except in cases of treason and murder.

That captains, and all other inferior officers, shall be chosen by the companies, in the respective counties, and shall be confirmed by the Council and Assembly.

XI. That the Council and Assembly shall have the Great Seal of this Colony, which shall be kept by the Governor, or, in his absence, by the Vice-President of the Council, and they shall use them as occasion may require: and it shall be called the Great Seal of the Colony of New-Jersey.

XII. That the Judges of the Supreme Court shall be chosen for seven years: the Judges of the Inferior Court, in the several counties; Justices of the Peace, Clerks of the Court, Clerks of the Inferior Court of Common Pleas, Sessions, the Attorney-General, and Provincial Secretary, shall continue in office for five years: and the Provincial Treasurer shall continue in office for one year; and that they shall be appointed by the Council and Assembly, in manner aforesaid, and may be removed by the Governor, or, in his absence, the Vice-President of the Council. Provided always, that the said officers, severally, shall not be re-appointed, at the end of the terms severally, and that any of the said officers shall be liable to be impeached, if adjudged guilty of misbehaviour, by the Council, or by a majority of the Assembly.

shall destroy their own
shall descend in the
each person died in the
any occasion accidentally
a deadand, or in anywise

within this Colony, be deprived
Almighty God in a
his own conscience; nor, under
to attend any place of worship,
; nor shall any person, within
tithes, taxes, or any other rates,
any other church or churches,
the maintenance of any minister
believes to be right, or has deliber-
to perform.

establishment of any one religious
to another; and that no Protestant
be denied the enjoyment of any civil
religious principles; but that all
the faith of any Protestant sect, who
under the government, as hereby
being elected into any office of profit

...of trial by jury shall be preserved in this Colony, without respect to persons.
... That every person, who shall be elected a member of the Legislative Council, or Assembly, previous to his taking his seat in Council or Assembly, shall make the following oath or affirmation, viz:

"I, A. B., do solemnly declare, that, as a member of the Council, [or Assembly, as the case may be], New Jersey, I will not assent to any law, vote, or resolution, that shall appear to me injurious to the public welfare, or that shall annul or repeal that part of the third section of this Colony, which establishes, that the elections of the Legislative Council and Assembly shall be made by jury, nor that shall annul, repeal, or alter any part of the eighteenth or nineteenth sections of the same."

And any person or persons, who shall be elected, shall be hereby empowered to administer to the said members the following affirmation.

Provided always, and it is the true intent and meaning of this Congress, that if a reconciliation between Great-Britain and the Colonies should take place, and the latter be taken under the protection and government of the crown of Great-Britain, this affirmation shall be null and void—otherwise to remain firm and in full force.

In Provincial Congress, New Jersey,
Burlington, July 2, 1776.
By order of Congress.

SAMUEL TAYLOR

WILLIAM PATTERSON, *Secretary.*

CONSTITUTION OF NEW JERSEY—1844 * °

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this CONSTITUTION :

ARTICLE I

RIGHTS AND PRIVILEGES

1. All men are by nature free and independent, and have certain natural and inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshipping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretence whatever, to be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses,

* Verified from "The Constitution of the State of New Jersey. Trenton, N. J. MacCrellish & Quigley, State Printers. 1906." 32 pp. Official edition.

° This constitution agreed upon by the delegates of the people of New Jersey, in convention begun at Trenton on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, ratified by the people at an election held on the thirteenth day of August, A. D. 1844, and amended at a special election held on the seventh day of September, A. D. 1875, and at another special election held on the twenty-eighth day of September, A. D. 1897. See Appendix.

11. The privilege of the writ of Habeas Corpus shall not be suspended, unless in case of rebellion or invasion, when the public safety may require it.

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war in any manner prescribed by law.

14. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highway or for other public use, before, until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any case, nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together for the common good, to make known their opinions and sentiments, and to petition for redress of grievances.

19. No county, city, borough, town, township or village shall give any money or property, or loan its money or property, in aid of any individual association or corporation, or become for or be directly or indirectly the owner of any stock in any association or corporation.

20. No donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the benefit of any society, association or corporation whatever.

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

... shall have three dis-
... and no per-
... and of these departments,
... belonging to either of the

... be vested in a senate and general

... of the senate who shall not have
... and have been a citizen and inhabi-
... and of the county for which he shall
... his election; and no person shall be a
... who shall not have attained the age
... been a citizen and inhabitant of the
... county for which he shall be chosen
...; *provided*, that no person shall be
... house of the legislature, who shall not

... and general assembly shall be elected
... first Tuesday after the first Monday in

... shall be entitled to the same number of members as the county in which they are situated, and whose number of members shall never exceed that of the county in which they are situated.

... shall be entitled to the same number of members as the county in which they are situated, and whose number of members shall never exceed that of the county in which they are situated.

... shall be entitled to the same number of members as the county in which they are situated, and whose number of members shall never exceed that of the county in which they are situated.

SECTION IV

1. Each house shall direct writs of election for any vacancy occasioned by death, resignation, or otherwise; but during the recess of the legislature, the writs may be directed by the governor, under such regulations as may be prescribed by law.
2. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as the house may provide.
3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, may expel a member.
4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of a majority of those present, be entered on the journal.
5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, or to any other place than that in which the two houses are assembled.

shall originate in the house of
or concur with amendments, as
the treasury but for appropria-
not be directly or indirectly loaned
in any manner, create any debt or
State which shall, singly or in the
or liabilities, at any time exceed
except for purposes of war, or to repel
invasion, unless the same shall be author-
ized by law, and the ways and means, exclusive of

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*schools for the instruction of all the children in
the ages of five and eighteen years.*

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cases were decided by
the courts.
or individual any exclu-
sive or individual the right to
in civil or criminal cases.
the support of free public schools.
laws providing for the cases
for all other cases which, in its
by general laws. The legislature
corporate powers, but they shall
corporations may be organized and
obtained, subject, nevertheless, to
the legislature.
taxes under general laws, and by
value.

SECTION VIII

shall, before they enter on the duties
and subscribe the following oath
[I, _____, as the case may be], that I will
the United States and the constitution of
that I will faithfully discharge the
of the general assembly, as the case may
my ability."

shall respectively vote for members of the
The governor shall hold his office for three
years, to be elected on the third Tuesday of January next ensuing
election by the people, and to end on the Monday
of the Tuesday of January, three years thereafter; and he
shall hold that office for three years next after his
term shall have expired; and no appointment or nomination
shall be made by the governor during the last week of his

4. The governor shall be not less than thirty
years of age, shall have been for twenty years, at least, a citizen
of this State, and a resident of this State seven years next
preceding his election, unless he shall have been absent during that
time on the business of the United States or of this State.

5. The governor shall, at stated times, receive for his services
a compensation which shall be neither increased nor diminished
during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military
forces of the State; he shall have power to convene the
senate alone, whenever in his opinion public necessity
shall require; he shall communicate by message to the legislature at
each session, and at such other times as he may deem
expedient, the condition of the State, and recommend such measures
as he may deem expedient; he shall take care that the laws be
faithfully executed, and grant, under the great seal of the State, commissions
to such officers as shall be required to be commissioned.

7. Every bill which shall have passed both houses
of the legislature shall be presented to the governor; if he approve he shall sign it,
and if not he shall return it, with his objections, to the house in which
it originated, who shall enter the objections at large on the journal,
and proceed to reconsider it; if, after such reconsideration

... of the governor; and
... of the government, shall
... of this State, his office of
... shall be elected by the
... of this State or of the
... he shall have been elected

... administering the government, shall
... of fines and forfeitures, and to
... expiration of a time not exceed-
... this power shall not extend to

... administering the government, the
... the court of errors and appeals, or
... the governor, or person administering
... they remit fines and forfeitures, and
... in all cases except impeachment.

... civil officers under this State shall
... demeanor in office during their con-
... years thereafter.

... resignation or removal from office of the
... and emoluments of the office shall de-
... senate, and in case of his death, resig-
... the speaker of the house of assembly, for
... governor shall be elected and qualified;
... nor shall be chosen at the next election

...and in case of his death, the speaker of the house of assembly, if he is not impeached, absent or impeached, shall be elected and qualified.

In case of a vacancy in the office of judge, or in case of the death of any of those herein enumerated, or in case of the death of any of those herein enumerated, before he is qualified into office, the duties of the office shall devolve upon the speaker of the house of assembly, as above provided, who shall be elected and qualified.

ARTICLE VI

JUDICIARY

SECTION I

1. The judicial power shall be vested in a court of appeals in the last resort in all causes as heretofore; a court of impeachments; a court of chancery; a prerogative court; circuit courts, and such inferior courts as may be hereafter ordained and established by law. The legislature may alter or abolish, as they may require.

SECTION II

1. The court of errors and appeals shall consist of the justices of the supreme court, and six judges, or a majority of them; which judges are to be appointed for six years.

2. Immediately after the court shall first assemble, they shall arrange themselves in such manner that the seats shall be vacated every year, in order that thereafter one judge shall be annually appointed.

3. Such of the six judges as shall attend the court shall receive, respectively, a *per diem* compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.

SECTION III

1. The house of assembly shall have the sole power of impeaching, by a vote of a majority of all the members; and all impeachments shall be tried by the senate; the members, when sitting for that purpose, to be on oath or affirmation "truly and impartially to try and determine the charge in question according to evidence;" and no person shall be convicted without the concurrence of two-thirds of all the members of the senate.

2. Any judicial officer impeached shall be suspended from exercising his office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than to removal from office, and to disqualification to hold and enjoy any office of honor, profit or trust under this State; but the party convicted shall, nevertheless, be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

SECTION IV

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and judges of the prerogative court.

3. All persons aggrieved by any order, sentence or decree of the orphans' court, may appeal from the same, or from any part thereof, to the prerogative court; but such order, sentence or decree shall not be removed into the supreme court, or circuit court if the subject-matter thereof be within the jurisdiction of the orphans' court.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.

SECTION V

1. The supreme court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two.

2. The circuit courts shall be held in every county of this State, by one or more of the justices of the supreme court, or a judge appointed for that purpose, and shall, in all cases within the county except in those of criminal nature, have common law jurisdiction, concurrent with the supreme court; and any final judgment of a

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shall be appointed by the
years, and until their suc-

of the pleas, clerk of the
of chancery, secretary of state and
will be nominated by the governor,
and consent of the senate.
five years.

appointed by the justices of the su-
; and the chancery reporter shall
five years.

shall be elected by the people
the annual elections for members of

for five years.
will be elected by the people of their re-
sons for members of the general as-
their offices for three years, after which

shall be removed by the
with the advice and consent of the
for the term prescribed by law.
All civil offices created or appointed
shall be commissioned by the
of all offices created
of this constitution, and
shall commence on the day of the
but no commission for any office
of the term of the incumbent.

ARTICLE VIII

GENERAL PROVISIONS

1. The secretary of state shall be *ex officio* auditor of the accounts of the treasurer, and as such, it shall be his duty to appear before the legislature in the annual examination and settlement, until otherwise provided by law.
2. The seal of the State shall be kept by the person administering the government, and used by him as he shall see fit; it shall be called the great seal of the State of New Jersey.
3. All grants and commissions shall be in the name and authority of the State of New Jersey, sealed with the seal of the State, signed by the governor, or person administering the government, and countersigned by the secretary of state, and it shall be in the name of the State of New Jersey, to _____, greeting." All writs shall be in the following manner, viz., "against the peace of this State, and the honor and dignity of the same."
4. This constitution shall take effect and go into operation on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

...the change in the constitu-
...the same into complete opera-
...that—
...laws now in force, not repug-
...remain in force until they expire by
...or repealed by the legislature;
...prosecutions, contracts, claims
...bodies corporate, and of the State,
...shall continue, and all indictments
...which may hereafter be found, for
...before the adoption of this constitu-
...if no change had taken place. The
...except as herein otherwise provided,
...powers and jurisdiction as if this con-
...office or appointment shall continue
...thereof, according to their respective
...unless by this constitution it is other-

8. The election of clerks and surrogate shall be on the term of office of the present incumbent, and shall be held at the general election of eighteen hundred and ninety-seven, and the election next ensuing the adoption of this constitution, the result of which election shall be according to the provisions provided by law for the election of sheriffs.
9. The elections for the year eighteen hundred and ninety-seven shall take place as now provided by law.
10. It shall be the duty of the governor to fill any vacancy happening between the adoption of this constitution and the session of the senate, and not otherwise provided for, and his commissions shall expire at the end of the first session, after which successors shall be elected or appointed.
11. The restriction of the pay of members of the legislature shall expire forty days from the commencement of the session of the legislature to the first legislature convened under this constitution.
12. Clerks of counties shall be clerks of the courts of common pleas and quarter sessions of the several counties, and the duties, and be subject to the regulations now in force by law until otherwise ordained by the legislature.
13. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

STATE OF NEW JERSEY :

I, George Wurts, Secretary of State of the State of New Jersey, hereby certify the foregoing to be a true copy of the Constitution of the State of New Jersey as amended, as the same appears when compared with the original Constitution and amendments now remaining on file in my office.

In testimony whereof, I have hereunto set my hand and official seal, this twenty-sixth day of October, A. D. 1897, and ninety-seven.

[L. S.]

...of the Territory of New Mexico, and
...of the said State of all Territory
...at all her Claims upon the
...Government for New Mexico

House of Representatives of the
...assembled, That the follow-
...hereby are, offered to the State
...the said State, in an act passed
...and obligatory upon the
...at Texas: *Provided*, The said
...shall be given on or before
...hundred and fifty:

...act relating to New Mexico, see to pro-
...March 8, 1858; to extend southern
...slavery in, June 19, 1862; to regulate
...to prohibit special acts of incorporation,
...prohibit the system of peonage in, March
...March 28, 1867; to give qualified veto
...the duties of the secretary of the Territory,
...April 10, 1869; to amend a Territorial
...assembly, April 20, 1871; to limit the
...to fix pay of members, January 23, 1873; to
...the Jesuit Fathers, February 3, 1879; to
...of each house of legislature, June 19,
...election and to reapportion members of legis-
...sessions of legislature, February 14, 1884; to
...special acts of incorporation, March 3, 1885;
...legislation, July 30, 1886; to reorganize
...erection of counties, July 19, 1888; to grant
...1890; to permit appeals to circuit court of
...certain bond issues, January 18, 1897.

...the President of the United States...
...shall pay to the State of Texas the sum of...
...dollars, bearing five per cent interest...
...for a term of fourteen years, the interest to be...
...paid to the Secretary of the United States.

...Immediately after the President of the United States...
...shall be furnished with an authentic copy of the...
...of Texas accepting these propositions, the...
...shall be issued in favor of the State of Texas...
...the fourth article of this agreement: *Provided*, that...
...five millions of said stock shall be issued...
...the State holding bonds and other certificates of...
...which duties on imports were specially pledged...
...the treasury of the United States releases of said...
...United States for or on account of said bonds or...
...form as shall be prescribed by the Secretary of...
...approved by the President of the United States...
...nothing herein contained shall be construed to...
...anything contained in the third article of the...
...joint resolution for annexing Texas to the United...
...March first, eighteen hundred and forty-five, either...
...number of States that may hereafter be formed...
...Texas, or otherwise.

SEC. 2. *And be it further enacted*, That all the...
...Territory of the United States bounded as follows...
...point in the Colorado River where the boundary line...
...lic of Mexico crosses the same; thence eastward...
...boundary line to the Rio Grande; thence following...
...of said river to the parallel of the thirty-second...
...latitude; thence east with said degree to its intersection...
...one hundred and third degree of longitude west of Greenwich...
...north with said degree of longitude to the parallel...
...degree of north latitude; thence west with said parallel...
...of the Sierra Madre; thence south with the crest of

There shall be a secretary of the executive department, who shall hold his office for four years, and shall be appointed by the President of the United States; he shall transmit to the President a copy of the laws and proceedings of the executive department; he shall transmit a copy of the executive proceedings, once in each year, to the President. At the same time, two copies of the laws to be enacted shall be transmitted to the representatives and the President of the United States. And, in case of the death, removal, or necessary absence of the governor from the office, he is hereby authorized and empowered to exercise all the powers and duties of the office, or necessary absence, or until another person is appointed to fill such vacancy.

Section 10. That the legislative power and authority shall be vested in the governor and a legislative assembly shall consist of representatives. The Council shall consist of members of the qualifications of voters as hereinafter prescribed. Their service shall continue two years. The representatives shall consist of twenty-six members, positions as prescribed for members of the assembly. Their service shall continue one year. An apportionment shall be made as nearly equal as practicable, among the

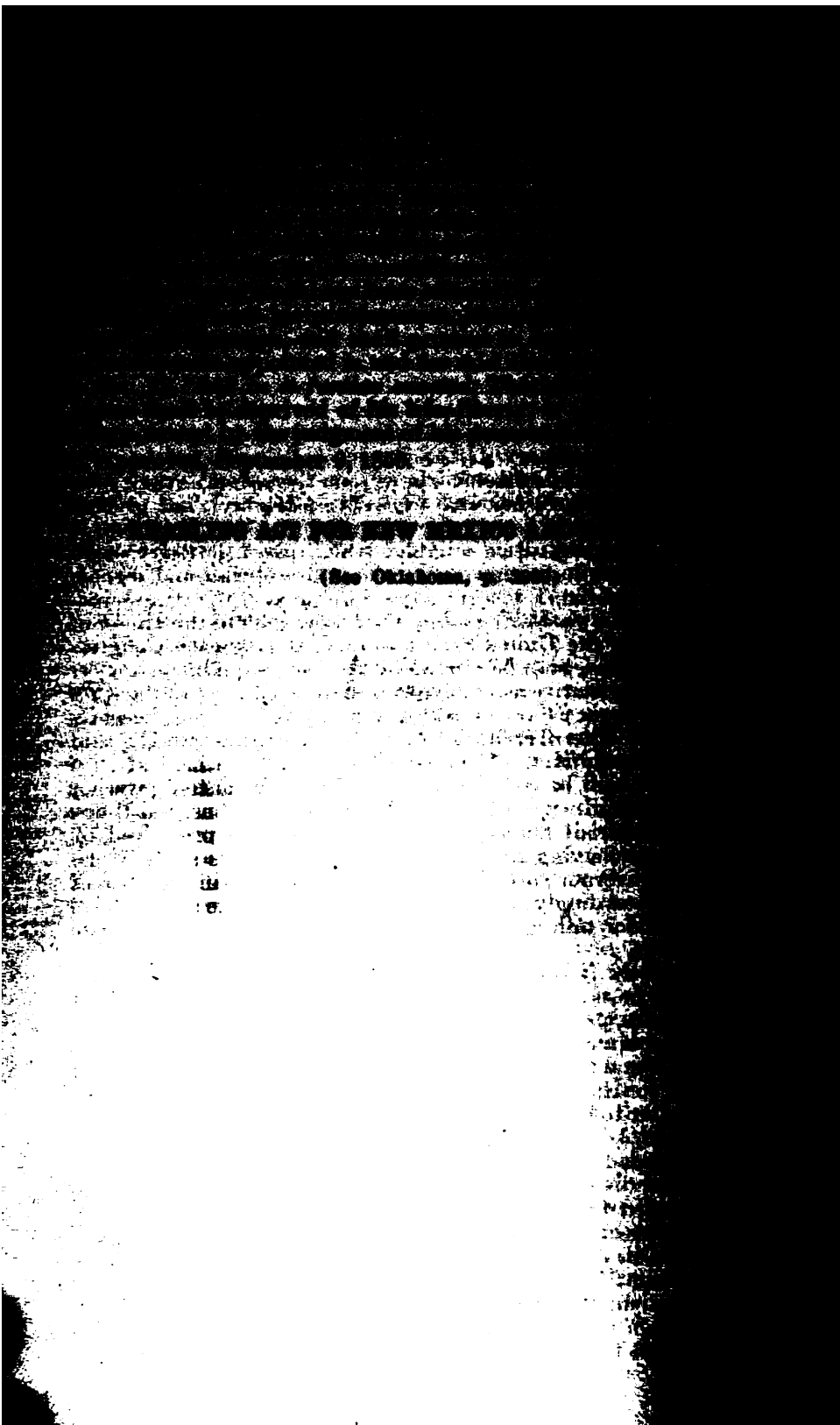
...of a tie between...
...order a new election to...
...thus elected...
...on such day...
...the time, place...
...by the people...
...of the...
...representatives according to the...
...law, as well as the day of the...
...of the legislative assembly:
...the term of forty days.

SEC. 6. And be it further enacted, That...
...above the age of twenty-one years...
...of said Territory at the time of the...
...be entitled to vote at the first election...
...office within the said Territory; but the q...
...of holding office, at all subsequent elections,
...prescribed by the legislative assembly:
...suffrage, and of holding office, shall be exercised...
...the United States, including those recognized...
...treaty with the republic of Mexico, concluded...
...eighteen hundred and forty-eight.

SEC. 7. And be it further enacted, That the l...
...Territory shall extend to all rightful subjects o...
...ent with the Constitution of the United States...
...of this act; but no law shall be passed in...
...disposal of the soil; no tax shall be imposed upon...
...the United States; nor shall the lands or other...
...residents be taxed higher than the lands or other...
...All the laws passed by the legislative...
...shall be submitted to the Congress of the United...
...approved, shall be null and of no effect.

SEC. 8. And be it further enacted, That all to...
...county officers, not herein otherwise provided for,

...shall have jurisdiction of
...of land may
...shall amend one
...District Courts, respect-
...common law jurisdiction.
...shall appoint its clerk,
...and shall keep his office
... Writs of error, bills of
...in all cases from the final
...the Supreme Court, under such
...law, but in no case removed to
...be allowed in said court. The
...shall appoint its own clerk,
...at the pleasure of the court for
... Writs of error and appeals
...Supreme Court shall be allowed, and
...of the United States, in the same
...as from the Circuit Courts
...the value of the property or the amount
...by the oath or affirmation of either
...shall exceed one thousand dollars;
...title to slaves, the said writs of
...and decided by the said Supreme
...value of the matter, property, or title
...that a writ of error or appeal shall
...Court of the United States from the
...Court created by this act, or of any
...Courts created by this act, or of any
...of habeas corpus involving the question
...of the said District Courts shall have
...in all cases arising under the Coa-



...the rights and liberties of
...reduced them to the neces-
...congresses and committees, as
...longer than the grievances of
...And whereas the congress
...the thirty-first day of May now

...of this colony, by congress and
...former government, under the

...Congress, Provincial Convention
...of the State of New York, 1775,
...Thurlow Weed, printer to the State

...establish trading-posts on the Hudson River,
...between the Connecticut and the Delaware
...lands. The government was vested in
...chartered in 1616, and then in "The
...in 1621.

...petitioned the "Lords States-General of
...suitable burgher government," such as
...adapted to this province, and resembling
...Netherlands," with certain permanent priv-
...might pursue "the trade of our country, as
...to Cape Florida as to the West Indies
...shall be pleased to permit."

...Company resented this attempt to shake off
...and council at New Amsterdam: "We have
...at the many impertinences of some rest-
...might be shamed by our discreetness and
...kindnesses do not avall, we must, therefore,

...of the good people of these colonies
...recommends to reason and good sense
...to take the oath and support
...under the authority of the King
...that the exercise of every kind
...Crown should be totally suppressed, and
...under the authority of the King
...the preservation of internal peace, virtue, and
...for the defense of our lives, liberties, and
...the threats and cruel depredations of our
...resolves, That it be recommended to the
...of the united colonies, where the
...of their affairs has been hindered,
...adopt such government as shall, in the opinion of
...of the people, best conduce to the happiness and
...of the constituents in particular, and America in general."

...have recourse to God, to Nature, and the Law. We advise
...and command your Honors, whenever you shall certify
...destine Meetings, Conventicles, or machinations against
...or that of our country, that you proceed against such
...to their crimes."

These grants embraced all the lands between the western
...necticut River and the east bank of Delaware Bay. The
...viously purchased, in 1663, the grant of Long Island and
...New England coast, made in 1635 to the Earl of Stirling, and
...an armed expedition, which took possession of New York
...thenceforth called New York. This conquest was confirmed
...Breda, in July, 1667. In July, 1673, a Dutch fleet recaptured
...held it until it was restored to the English by the treaty
...February, 1674. The second grant was obtained by the Duke
...1674, to perfect his title. The original grants are in the
...Library.

This constitution was framed by a convention which met at
...Plains, July 10, 1776, and, after repeated adjournments and
...terminated its labors at Kingston, Sunday evening, April
...constitution was adopted, with but one dissenting vote. It
...to the people for ratification. It was drafted by John Jay.

...resolutions is of the
...colony:

...humbly recommended to
...in the different coun-
...the same into execution."

...the said colony, in pursuance of
...special trust and confidence in the
...appointed, authorized, and em-
...and in the manner, and with the
...specified, declared, and mentioned.
...the United American States, in gen-
...the fourth day of July now last past,
...the words following, viz:

...human events, it becomes necessary for
...tical bands which have connected them
...among the powers of the earth the sepa-
...with the laws of nature and of nature's
...respect to the opinions of mankind re-
...are the causes which impel them to the

...be self-evident, that all men are created
...by their Creator with certain unalien-
...are, life, liberty, and the pursuit of
...these rights, governments are instituted

He has refused his assent to laws, the equity of which he has judged to be inconsistent with the public good.

He has forbidden his governors to perform their most important duties, unless suspended in their absence, and when so suspended, neglected to attend to them.

He has refused to pass other laws for the relief of the poor, unless those people would be represented in the legislature; a right inalienable to tyrants only.

He has called together legislative bodies at unusual times, in unusual places, and distant from the depository of the public records, for the sole purpose of fatiguing them into compliance with his measures.

“He has dissolved representative houses repeatedly, and with manly firmness his invasions on the rights of the people.”

“He has refused for a long time, after such dissolutions, to call others to be elected, whereby the legislative powers, essential to the State remaining in the mean time exposed to anarchy, the State remaining in the mean time exposed to invasion from without, and convulsions within.”

“He has endeavored to prevent the population of this State, by refusing to pass others to encourage their migration, and raising the conditions of new appropriations of land.”

“He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.”

“He has made judges dependent on his will alone, in the tenure of their offices, and the amount and payment of their salaries.”

“He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.”

“He has kept among us, in times of peace, standing armies, without the consent of our legislatures.”

... captive on the high
... to become the executioners
... themselves by their hands.
... amongst us, and has en-
... of our frontiers the merciless
... of warfare is an undistinguished
... .

... we have petitioned for redress
... repeated petitions have been an-
... A prince whose character is thus
... define a tyrant, is unfit to be the

... attentions to our British brethren.
... to time of attempts by their legis-
... jurisdiction over us. We have
... of our emigration and settle-
... to their native justice and magnanim-
... by the ties of our common kindred
... which would inevitably interrupt our
... . They too have been deaf to the
... . We must therefore acquiesce
... our separation, and hold them as we
... in war; in peace, friends.

...which has rendered the...
...and will, at the risk of...
...the other colonies in supporting...
...of which several acts, declarations...
...and contained in the afore-cited...
...Congress of the United American...
...of conventions of this State, all power...
...reverted to the people thereof, and this convention...
...and free choice been appointed, and...
...authorized to institute and establish such a government...
...best calculated to secure the rights and...
...people of this State, most conducive of the happiness...
...their constituents in particular, and of America...

I. This convention, therefore, in the name and...
the good people of this State, doth ordain, determine,
that no authority shall, on any pretence whatsoever,
be exercised by the people or members of this State but such as
is derived from, and granted by them.

II. This convention doth further, in the name and...
of the good people of this State, ordain, determine,
that the supreme legislative power within this State shall be...
vested in two separate and distinct bodies of men; the one to be called...
of the State of New York, the other to be called...
of the State of New York; who together shall form the...
and shall meet once at least in every year for the despatch of...
business.

III. And whereas laws inconsistent with the spirit...
of the constitution, or with the public good, may be hastily and...
enacted, Be it ordained, that the governor for the time being...
and the judges of the supreme court, or any two of them...
shall be, and hereby are, constituted a council of revision...
to whom all bills about to be passed into laws by the legislative...
body shall be laid, before they can have the force of laws; and...
purpose shall assemble themselves from time to time...
and the...
lature shall be convened; for which, nevertheless...

... of seven years (subsequent to
... as may be a census of the electors
... taken, under the direction of the
... it shall appear that the number
... from the said counties is not justly pro-
... in the said counties respectively,

... by the legislature under this constitution
... already. The council of revision objected to
... which seventeen were passed notwithstanding

...
... constitution was taken in 1790. there were
... 1821.—Hough.

...shall be made of voting by ballot aforesaid, if it shall be found to be productive to the safety or interest of the State, or if, after the year *viz* 1800, it shall be lawful and lawful to abolish the same, provided two thirds of the members of each house, respectively, shall concur in the same. And during the continuance of the present constitution of this State shall provide for the election of representatives in assembly by ballot, the said *viz* 1800.

VII. That every male inhabitant of full age, who shall be actually resided within one of the counties of this State immediately preceding the day of election, shall be entitled to vote for representatives of the said State, if, during the time aforesaid, he shall have been the owner of a freshhold of the value of twenty pounds, or shall have rented a tenement therein of the yearly value of ten pounds, and been rated and actually paid taxes to the said State *always*, That every person who now is a freeman of the city of New York, or who was made a freeman of the city of New York before the fourteenth day of October, in the year

* See amendments.

† The first act under this clause was passed March 27, 1790, which introduced the practice of voting by ballot for governor and lieutenant-governor. On January 13, 1787, the mode of voting by ballot for the latter was introduced. Boxes containing the ballots for governor, lieutenant-governor, and members of the committee of the legislature, until March 27, 1790, when the practice of *canvassing* by local wards was introduced.—*Hough*.

...the said districts, shall be as follows, to wit: in the southern district, six; in the western district, six; and in the eastern district, six. And be it ordained, that a census be taken after the expiration of seven years after the expiration of the last census taken, under the direction of the Governor, it shall appear that the number of electors in the several districts, that shall be as near as may be, to the number of electors aforesaid, in each district. That the electors within any of the said districts, shall be divided into such part of the whole number of electors as shall be found to be in this State, and shall be chosen by the electors of such district. That the electors of senators to be chosen aforesaid shall be sufficient to proceed upon business;

...the division of senatorial districts was made February 17, 1815.—Hough.

XVI. It is nevertheless provided, that the number of the senate shall never exceed one hundred, nor the number of the assembly shall exceed three hundred; but that whenever the number of the senate, or of the assembly be three hundred, the legislature shall, from time to time, for that purpose, apportion and distribute the said three hundred representatives among the counties of this State, in proportion to the number of the freeholders, so that the representation of the good people of the senate and assembly, shall forever remain equal and just.*

XVII. And this convention doth further, by the authority of the good people of this State, declare that the supreme executive power and authority shall be vested in a governor; and that statedly every year, and as often as the seat of government shall be removed, a wise and discreet freeholder of this State shall be chosen governor, by the freeholders of this State, qualified as is prescribed, to elect senators; which elections shall be made at the times and places of choosing representatives in each respective county; and that the person who hath the greatest number of votes within the said State shall be governor thereof.

XVIII. That the governor shall continue in office until he shall, by virtue of his office, be general and commander in chief of the militia, and admiral of the navy of this State; and shall have power to convene the assembly and senate on extraordinary occasions, and to prorogue them from time to time, provided such

* See amendment.

... shall continue in his own
... by sea and land.
... be administered by the
... to sit as president of
... to elect one of their own
... of the senate, which he shall ex-
... vacancy of the office of gov-
... be impeached, displaced, resign,
... the president of the senate shall, in
... , administer the government,
... the suffrage of the people, at the suc-

... further, in the name and by the
... of this State, ordain, determine, and
... State shall be appointed by act of
... with the assembly: *Provided*, that he
... branch of the legislature.

... than those who, by this constitution,
... appointed, shall be appointed in the man-
... shall, once in every year, openly
... the senators from each great district,
... council for the appointment of the said
... for the time being, or the lieutenant-
... the senate, when they shall respectively
... shall be president and have a casting
... with the advice and consent of the said

...of the court in which they shall serve...
...shall be regulated by the rules and orders...
...of the court. And be it further ordained, That...
...the duration of any office shall not be...
...shall be construed to be held during the pleasure...
...of the court: *Provided*, That new commissioners...
...judges of the county courts (other than to the...
...justices of the peace, once at the least in every year.

XXIX. That town clerks, supervisors, assessors,
collectors, and all other officers, heretofore eligible,
shall always continue to be so eligible, in the manner
present or future acts of legislature.

That loan officers, county treasurers, and clerks
continue to be appointed in the manner directed
future acts of the legislature.

XXX. That Delegates to represent this State in
Congress of the United States of America be annually
elected, to wit: The senate and assembly shall each
elect as many persons as shall be equal to the whole number
to be appointed; after which nomination they shall
and these persons named in both lists shall be Delegates.

... shall be and shall remain in full force and effect until the trial of every such case, and the jury shall respectively be sworn to determine the charge, and that no judgment of the said court shall be rendered so by two third parts of the jury, and it extend farther than to prohibit any person to hold or enjoy any place or office in this State. But the party so convicted shall be and subject to indictment, trial, and execution according to the laws of the land.

Enacted, That in every trial on indictment for crimes or misdemeanors, the party accused shall be allowed counsel, as in civil actions.

And the judges doth further, in the name and by the authority of this State, ordain, determine, and enact, That the common law of England, and of the Kingdom of Great Britain, and of the acts of the Parliament of Great Britain, and of the acts of the Legislature of New York, as together did form the law of this State on the fifth day of April, in the year of our Independence the hundred and seventy-five, shall be and shall remain in full force and effect, subject to such alterations and provisions as the Legislature of this State shall, from time to time, make, and that such of the said acts, as are temporary,

...of this within the ...
...of the said charter shall be ...
...or manner of any of the ...
...the nineteenth day of April ...
...seven hundred and seventy ...
...And further, that all ...
...charters respectively as, by the ...
...to be appointed by the governor of ...
...or without the advice and consent of ...
...in the said colony, shall henceforth be ...
...established by this constitution for the ...
...State, until otherwise directed by the legislature.

XXXVII. And whereas it is of great importance to this State that peace and amity with the Indians be at all times supported and maintained; and whereas often practised towards the said Indians, in certain lands, have, in divers instances, been productive of contentions and animosities: Be it ordained, that all contracts for the sale of lands, made since the fourth day of the month of January in the year of our Lord one thousand seven hundred and seventy, or which may hereafter be made with or of the lands within the limits of this State, shall be binding on the Indians, unless deemed valid, unless made under the authority of the legislature of this State.

XXXVIII. And whereas we are required, by the principles of rational liberty, not only to expel civil tyranny, but to guard against that spiritual oppression and intolerance which the bigotry and ambition of weak and wicked priests and pastors have scourged mankind, this convention doth further

of the laws of the United States, and of the laws of the State of New York, and of the laws of the several counties in this State, and of the orders, determinations, and decrees of the courts of law and equity, and of the good people of this State, which it hath heretofore been accustomed to do, shall be established and remain in full force and effect, and no act of attainder shall be passed by the legislature, other than those committed in time of war; and that such acts shall not be subject to repeal. And further, that the legislature of this State, shall not institute any new court or courts, nor alter the course of the common law. And further, in the name and by the authority of this State, ordain, determine, and enact, that it shall be in the discretion of the legislature to naturalize, in such manner, as they shall think proper: such persons so to be by them naturalized, as shall be born out of the United States of America, and out of the United States of America, and become subjects of this State,

at \$10 per annum by the act of April 3, 1778, and the act of 1784.—*Hough.*
fifty-eight persons, of whom three were females, were naturalized by the State for adherence to the enemy. This was the first case.—*Hough.*

...the other colonies supporting...
...of which several...
...the legislature at their next...
...members of the...
...as nearly as may be...
...found to be in each...
...taken in the present year.

III. That from the first Monday in July...
senators shall be permanently thirty-two,
of senators shall be reduced to thirty-two in...
that is to say: The seats of the eleven...
class, whose time of service will expire on...
next, shall not be filled up; and out of the...
one senator from the middle district and of...

* See "Journal of the Convention of the State of New York...
at the city of Albany on the 18th Day of October, 1787...
John Barber, Printer to the Convention, MDCCCL." page...

* The custom of naturalizing aliens by special act...
colonial general assembly in 1717, and was continued...
until the adoption of the Federal Constitution in 1787...
right to hold land upon declaring an intention to become...
by special act until 1825, when a general law for this...
Hough.

³ These amendments were framed by a convention which...
October 13, 1801, and terminated its labors October 21...
submitted to the people for ratification.

vertheless

...of the constitution
...other than those who
...appointed, is vested
...the government of this
...the members of the council of

A. Burr, President.

NEW YORK—1821 * *

of New York, acknowledging with
the assistance of God in permitting us to make
this constitution, do establish this constitution.

Proceedings of the Convention of the State
in the City of Albany, on the 28th day of
New York: Printed by J. Seymour, 49 John

the State of New-York. Begun and held at
on the twenty-eighth Day of August, 1821.
Leake, Printers to the State. 1821." pp. 564.
and Debates of the Convention of 1821, assem-

The second district shall consist of the counties of Albany, Rensselaer, Schoharie, and Schoenkill.

The third district shall consist of the counties of Dutchess, Herkimer, Otsego, and Warren.

The fourth district shall consist of the counties of Montgomery, Hamilton, Washington, Warren, and Saint Lawrence.

The fifth district shall consist of the counties of Madison, Oswego, Lewis, and Jefferson.

The sixth district shall consist of the counties of Chenango, Broome, Cortland, Tompkins, and Yates.

The seventh district shall consist of the counties of Cayuga, Seneca, and Ontario.

The eighth district shall consist of the counties of Livingston, Monroe, Genesee, Niagara, Erie, Allegany, and Chatauque.

And as soon as the senate shall meet, after the election held in pursuance of this constitution, they shall be divided by lot into four classes of eight senators each; the first district shall have one senator of each class; the second, three, and four. And the seats of the first class shall be vacated at the end of the first year; of the second class, at the end of the second year; of the third class, at the end of the third year.

The eighth district shall consist of the counties of Livingston, Monroe, Genesee, Niagara, Erie, Allegany, and Chatauque.

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bled for the purpose of amending the Constitution of the State, containing all the official Documents, relating to the Senate, on any important matter. By Nathaniel H. Carter and William L. Gould, Stenographers. Albany: Printed and Sold by E. Hoarford. 1821." pp. 659-670.

*This constitution was framed by a convention which assembled at Albany, August 23, 1821, and completed its labors November 10, 1821. It was adopted in February, 1822, receiving 74,732 votes against 41,402 votes.

...house of the legislature
...amended by the other.

...shall receive for their serv-
...by law, and paid out of the pub-
...vacation shall take effect
...made. And no law shall
...of the members of the legis-
...day.

...shall receive any civil ap-
...senate, or from the legislature, dur-
...have been elected.

...member of Congress, or holding any
...the United States, shall hold a seat in
...person shall, while a member of the
...or appointed to any office, civil or
...of the United States, his acceptance

...shall have passed the senate and assembly
...be presented to the governor; if he ap-
...if not, he shall return it with his ob-
...it shall have originated; who shall
...on their journal, and proceed to recon-
...consideration two-thirds of the members
...the bill, it shall be sent, together with the
...by which it shall likewise be reconsid-
...two-thirds of the members present, it shall
...such cases the votes of both houses shall

...and shall continue to hold the same until the year one thousand eight hundred and twenty-three.

ARTICLE II

Section 1: Every male citizen of the age of twenty-one years, who shall have been an inhabitant of this State for three years next preceding the election, and for the last six months a resident of the town where he may offer his vote; and shall have, for the year next preceding the election, paid a tax to the town upon his real or personal property; or shall have been exempted from taxation; or being armed and equipped as a soldier, shall have performed within that year military duty in the service of the State; or who shall be exempted from performing military duty in consequence of being a fireman in any city, town or village of this State; and also, every male citizen of the age of twenty-one years who shall have been, for three years next preceding the election, an inhabitant of this State; and for the last year of the term of the town or county where he may offer his vote; and shall have been, for the last year, assessed to labor upon the public works, or shall have performed the labor, or paid an equivalent therefor, as by law, shall be entitled to vote in the town or ward where he resides, and not elsewhere, for all officers that may be elected, or may be, elective by the people; * but no man of the age of twenty-one years who shall have been for three years a citizen of this State, and for the year next preceding any election shall be seized and hold estate of the value of two hundred and fifty dollars, or more, above all debts and incumbrances charged thereon.

* See amendment.

...shall be elected by a majority of the legislature. The number of votes for governor shall be equal, but in case two or more persons shall have an equal number of votes for governor or lieutenant-governor, the persons so having an equal and greatest number of votes shall, by ballot, choose one of them for governor or lieutenant-governor.

He shall be general and commander-in-chief of the land and navy of the State. He shall have the right to pardon (for the senate only) on extraordinary occasions, and to communicate by message to the legislature the state of the State, and recommend such measures as he may deem expedient. He shall transact all business of government, civil and military, and shall see that the laws are faithfully executed. He shall receive for his services a compensation which shall not be diminished during the term for which he is elected.

He shall have power to grant reprieves and pardons for all offences, except treason and cases of impeachment. For treason, he shall have power to suspend the execution, until the case shall be reported to the legislature, when the legislature shall either pardon the criminal, or grant a farther reprieve.

In the event of the impeachment of the governor, or his removal from office, or absence from the State, the powers and duties of the office shall devolve upon the lieutenant-governor until the governor is absent or impeached.

Sac. 2. The governor shall nominate and appoint all major generals, brigadier-generals, and all other appointments, except the adjutant-general. The adjutant-general shall be appointed by the legislature. The legislature shall by law direct the selecting militia officers, and of certifying their names.

Sac. 3. The commissioned officers of the militia shall be appointed by the governor, and no commissioned officer shall be removed from office, unless by the senate on the recommendation of the governor, stating the grounds on which such removal is required, or by the decision of a court-martial, pursuant to the laws. Sent officers of the militia shall hold their commissions until removed as before provided.

Sac. 4. In case the mode of election and appointment of officers, hereby directed, shall not be found conducive to the interest of the militia, the legislature may abolish the same, and by law for their appointment and removal, if a majority of members present in each house shall concur thereon.

Sac. 5. The secretary of state, comptroller, treasurer, surveyor-general, and commissary-general shall be appointed as follows: The senate and assembly shall each appoint one person for the said offices respectively; after which they shall meet together, and if they shall agree in their nomination, the person so nominated shall be appointed to the office for which he was so nominated. If they shall disagree, the appointment shall be made by a joint ballot of the senators and members of assembly, to be chosen annually. The secretary of state, comptroller, surveyor-general, and commissary-general shall hold their offices for three years, unless sooner removed by a resolution of the senate and assembly.

...shall have notice of the opportunity of being heard in the

...including the register and New York, shall be chosen by the ... in every three years, and as ... shall hold no other office, ... years after the termination of ... by law to renew their security ... of giving such new security, their ... but the county shall never be made ... sheriff; and the governor may remove ... at any time within the three years ... to such sheriff, clerk, or register ... and an opportunity of being heard ... removal shall be made.

... except those whose appointment ... section, shall be appointed by the ... are clerks; and district attorneys ... of courts and district attorneys shall ... unless sooner removed by the courts

... in the cities in this State shall be ap- ... on councils of the respective cities.*

... as the legislature may direct, not ex- ... shall be elected in the same manner as

* See amendment.

Sec. 14. All officers heretofore elective shall be elected; and all other officers whose appointment is provided for by this constitution, and all officers whose appointment is provided for by law, shall be elected by the people, unless otherwise directed by law.

Sec. 15. Where the duration of any office is not provided for by this constitution, it may be declared by law; and the office shall be held during the pleasure of the appointing authority.

ARTICLE V

SECTION 1. The court for the trial of impeachments of officers of this State shall consist of the president of the court, the chancellor, and the justices of the supreme court, a majority of whom shall be present; but when an impeachment shall be brought against the chancellor, or any justice of the supreme court, the court shall be composed of the president of the court, the chancellor, and such other justices of the supreme court as may be designated by the president of the court; and the president of the court shall have no voice in the final sentence; and when an appeal from a decree in a case of impeachment shall be brought, the president of the court shall inform the court of the reasons for the decree, but shall have no voice in the final sentence; and when an appeal from a decree in a case of impeachment shall be brought, the president of the court shall assign the reasons for their judgment, and the court shall have a voice for its affirmance or reversal.

Sec. 2. The assembly shall have the power of impeachment of officers of this State for mal and corrupt conduct in office, or for crimes and misdemeanors; but a majority of the members of the assembly shall concur in an impeachment. Before an impeachment, the members of the court shall take an oath to truly and impartially to try and determine the case according to the evidence; and no person shall be convicted unless by the concurrence of two-thirds of the members present. The cases of impeachment, shall not extend farther

...of the State
...of public trust
...of the State
...of circuit
...shall be void.

...all officers, executive and judicial,
...by law be exempted, shall, before
...respective offices, take and subscribe

...as the case may be] that I will
...the United States, and the constitution
...that I will faithfully discharge the
...according to the best of my ability."
...or test shall be required as a quali-
...trust.

ARTICLE VII

...this State shall be disfranchised or de-
...privileges secured to any citizen thereof,
...or the judgment of his peers.
...in all cases in which it has been hereto-
...state forever; and no new court shall be
...shall proceed according to the course of the
...courts of equity as the legislature is herein

Sec. 7. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the freedom of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and in civil actions for libel, the truth shall be a full defence to the party accused. No person shall be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Sec. 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the freedom of speech, or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and in civil actions for libel, the truth shall be a full defence to the party accused. No person shall be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Sec. 9. The assent of two-thirds of the members of each branch of the legislature shall be requisite to every bill which appropriates the public moneys or property for local or private purposes, creating, continuing, altering, or renewing any body of land.

Sec. 10. The proceeds of all lands belonging to the State, and of such parts thereof as may be reserved or appropriated

of the law then existing, and any time before the expiration of the interest of the money here provided. And the legislature shall have full power, belonging to this State, not to make any law which may be necessary or convenient for the carrying on of the communications, or any part of them, and shall be and remain the property of this State.

And hereafter be authorized in this State; and shall prevent the sale of all lottery-tickets and contracts already provided for by law. And no contract for the sale of lands in this State, made on or after the first day of October, one thousand seven hundred and eighty-two, which may hereafter be made, of or with any person, shall be valid, unless made under the authority of the legislature.

The common law, and of the acts of the legislature of New York, as together did form the law of this State on the first day of April, one thousand seven hundred and eighty-two, and the resolutions of the congress of the State of New York, in force on the first day of April, one thousand seven hundred and eighty-two, not since expired, or been repealed or

* See amendment.

any proposed amendment of the constitution shall be introduced in the senate, with the year and date of its introduction thereon, and the signatures thereon to be attached to the same, and the same shall be referred to the committee on the constitution of the legislature next chosen as aforesaid, and amendments shall be agreed to by two-thirds of each house, then it shall be the duty of each house to report thereon in such manner and at such time as the legislature of the people shall approve and ratify such amendments by a majority of the electors qualified to vote at the legislature, voting thereon, such amendments shall become part of the constitution.

ARTICLE IX

SECTION 1. This constitution shall be in force on the first day of December, in the year one thousand eight hundred and twenty-two; But all those parts of the same which relate to the division of the State into senate districts; the apportionment of members of assembly to be elected, in pursuance of the apportionment of members of assembly; the term of office of the members of the present legislature in office until the first day of January, in the year one thousand eight hundred and twenty-three; the prohibition against authorizing lotteries; the appropriation of the public moneys or property for any other purpose, or creating, continuing, altering, or renewing any debt, or corporate, without the assent of two-thirds of the

...at the time of the election of such officer.

(Ratified November, 1869)

V. Whenever a sufficient amount of money shall have been safely invested for the reimbursement of such money as has been paid of the money borrowed for the construction of the Champlain Canals, the tenth section of the constitution of this State, as far as it relates to the manufacture of salt and the amount of the same to be sold at auction, shall cease and determine, and thereafter the same shall be sold at auction, excepting therefrom the sum of five hundred dollars, otherwise appropriated, on or before the fifteenth of April, one thousand eight hundred and sixty-nine, and the duties on the manufacture of salt shall be restored.

(Ratified November, 1869)

VI. Mayors of the several cities in this State shall be annually by the male inhabitants entitled to vote, and the common councils of such cities respectively, in the manner provided by law, and the legislature shall by law provide, and the legislature may from time to time, make such provision by law for the election of more such mayors; but until such provision be made, the mayors (excepting the mayor of the city of New York) shall be appointed in the manner now provided by the constitution.

... shall be disfranchised, or
... secured to any citizen
... or the judgment of his peers.
... cases in which it has been hereto-
... forever. But a jury trial may be
... in the manner to be prescribed

... enjoyment of religious profession
... distinction or preference, shall forever
... mankind; and no person shall be
... witness on account of his opinions
... but the liberty of conscience hereby
... as to excuse acts of licentiousness,
... with the peace or safety of this

... 1846 verified from "The Constitution of the
... Convention, Oct. 9, 1846, New-York: Pub-
... Bowery. Albany: From the Steam Press of
... Convention. 1864." 30 pp.
... by a Convention which met June 1, 1846 and
... was submitted to the people in November,
... 92,1528 to 92,430.

Sec. 7. No man's private property shall be taken from him without just compensation to be made by the State, which shall be ascertained by three commissioners appointed by the State, as prescribed by law. Private roads shall not be taken from the people, but in every case the amount of all damages to be assessed shall be first determined by a jury of freeholders, together with the expenses of the prosecution, to be benefitted.

Sec. 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or to punish the right of speech, or of the press. In all criminal prosecutions for libels, the truth may be given in evidence; and if it shall appear to the jury, that the matter published is true, and was published with good motives and for just ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

Sec. 9. The assent of two-thirds of the members of each branch of the Legislature, shall be requisite to the passing of any law authorizing the public moneys or property for local purposes.

Sec. 10. No law shall be passed, abridging the right of the people peaceably to assemble and to petition the government thereof, nor shall any divorce be granted, nor shall any due judicial proceedings, nor shall any lottery be established, nor any sale of lottery tickets allowed within the State.

Sec. 11. The People of this State, in their right person, are deemed to possess the original and ultimate power of all lands within the jurisdiction of the State; and all titles to which shall fail, from a defect of heirs, shall revert to the people.

Sec. 12. All feudal tenures of every description, and all incidents, are declared to be abolished, saving however such as may be necessary for the support of the government.

services certain which at any time heretofore have been lawfully created or reserved.

SEC. 13. All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners according to the nature of their respective estates.

SEC. 14. No lease or grant of agricultural land, for a longer period than twelve years, hereafter, made in which shall be reserved any rent or service of any kind, shall be valid.

SEC. 15. All fines, quarter sales, or other like restraints upon alienation reserved in any grant of land, hereafter to be made, shall be void.

SEC. 16. No purchase or contract for the sale of lands in this State, made since the fourteenth day of October one thousand seven hundred and seventy-five; or which may hereafter be made, of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

SEC. 17. Such parts of the common law, and of the acts of the Legislature of the colony of New-York, as together did form the law of the said colony, on the nineteenth day of April one thousand seven hundred and seventy-five, and the resolutions of the Congress of the said colony, and of the Convention of the State of New-York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said acts, or parts thereof, as are repugnant to this Constitution, are hereby abrogated; and the Legislature, at its first session after the adoption of this Constitution, shall appoint three commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this State, or so much and such parts thereof as to the said commissioners shall seem practicable and expedient. And the said commissioners shall specify such alterations and amendments therein as they shall deem proper, and they shall at all times make reports of their proceedings to the Legislature, when called upon to do so; and the Legislature shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners; and shall also provide for the publication of the said code, prior to its being presented to the Legislature for adoption.

SEC. 18. All grants of land within this State, made by the King of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this Constitution shall affect any grants of land within this State, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority, or shall impair the obligation of any debts contracted by this State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of actions, or other proceedings in courts of justice.

of the counties of War-
shall consist of the counties of St.
shall consist of the counties of Harki-
shall consist of the counties of
shall consist of the counties of Ot-
(19) shall consist of the county of
(20) shall consist of the counties of Madi-
(21) shall consist of the counties of
(22) shall consist of the county of
(23) shall consist of the counties of
(24) shall consist of the counties of
(25) shall consist of the counties of
ates.
(26) shall consist of the counties of
(27) shall consist of the county of

... shall remain unaltered until the next
enumeration, and at all times consist of not more than
one member. The several counties of this State shall be
equitably entitled to representation in the Assembly.
Sec. 4. The members of Assembly shall be apportioned
among the several counties of this State, by the Legislature,
according to the number of their respective inhabitants,
free persons of color, and persons of color not taxed, and
Assembly districts.

The several boards of supervisors in each county
are now entitled to more than one member of Assembly,
on the first Tuesday of January next, and the counties
shall be divided into Assembly districts equal to the number
of members of Assembly to which such counties are now entitled,
and shall cause to be filed in the offices of the county
clerks of their respective counties, a description of such
districts, specifying the number of each district,
thereof, according to the last preceding State
enumeration, as can be ascertained. Each assembly district
shall contain, as may be, an equal number of inhabitants, except
persons of color not taxed, and shall consist of contiguous
territory; but no town shall be divided in the formation of
Assembly districts.

The Legislature, at its first session after the next
enumeration, shall re-apportion the members of Assembly
among the several counties of this State, in manner aforesaid,
and the number of supervisors in such counties as may be entitled
to representation, to more than one member, shall be the same
as the Legislature making such re-apportionment shall
direct; and the apportionment and districts shall
remain unaltered until another enumeration shall be made,
and the provisions of the preceding section.

Every county heretofore established and separated, except
the county of Hamilton, shall always be entitled to a member
of the Assembly, and no new county shall be hereafter
established, unless its population shall entitle it to a member.

...and members...

...shall, after his election or appointment to Congress, or appointed to the government of the United States, occupy his seat.

...and members of Assembly, pursuant to the constitution, shall be held on the first Monday of November, unless otherwise provided.

...shall constitute a quorum to do business, to determine the rules of its own proceedings, to adjourn, to receive and qualify its members, returns and qualifications of its own officers; and the Senate shall elect a Lieutenant-Governor when the Lieutenant-Governor shall die or resign, and shall act as Governor.

...keep a journal of its proceedings, and the parts as may require secrecy. The journals shall be kept open, except when the public welfare of either house shall, without the consent of the other, be kept secret for more than two days.

...debate in either house of the Legislature shall not be questioned in any other place.

...in either house of the Legislature, and no bill may be amended by the other.

...of all bills shall be "The people of the State, represented in Senate and Assembly, do hereby enact and give force to the following bill, which shall be enacted except by bill."

...passed unless by the assent of a majority of the members of each branch of the Legislature, and the yeas and nays shall be taken immediately upon its passage and yeas and nays entered on the journal.

Sec. 3. The Governor shall have an annual salary of \$10,000, payable in advance, and shall have an annual allowance for expenses of \$5,000. The Legislature, at its next annual session, shall elect one of the said persons to be Governor, and shall elect a number of votes for Governor, or Lieutenant Governor, as may be provided by law.

Sec. 4. The Governor shall be commander in chief of the land and naval forces of the State. He shall have the right to pardon and commute the sentences of the Legislature (or the Senate only) on any crime, and he shall communicate by message to the Legislature the condition of the State, and recommendations which he shall judge expedient. He shall transact business with the officers of government, civil and military, and shall execute all such measures, as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall, at stated times, receive for his services a compensation fixed by law, which shall neither be increased nor diminished during his election and during his continuance in office.

Sec. 5. The Governor shall have the power to grant commutations and pardons after conviction, in all cases of treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulation as may be provided by law relating to the application for pardons. Upon conviction for treason or any crime, he shall have the power to suspend the execution of the sentence, and he shall report to the Legislature at its next meeting the name of the person so pardoned, and the Legislature shall either pardon, or commute the sentence, or grant a further reprieve, or grant a full pardon, or grant a further reprieve, and he shall communicate to the Legislature each case of reprieve, or pardon granted; stating the name of the offender, the crime for which he was convicted, the sentence and its date, and the date of commutation, pardon or reprieve.

Sec. 6. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge his duties,

...with the...
...to be reconsidered...
...members present, it shall...
...of the Governor. But...
...shall be determined by yeas...
...voting for and against the...
...of each house respectively. If...
...the Governor within ten days...
...have been presented to him, the...
...as if he had signed it, unless the...
...prevent its return; in which

ARTICLE V

...of State, Comptroller, Treasurer and
...at a general election, and shall hold
...each of the officers in this Article named
...Assembly), shall at stated times, during
...ive for his services, a compensation,
...diminished during the term for which
...shall he receive, to his use, any fees or
...compensation.

...and Surveyor shall be chosen at a gen-
...his office two years, but no person shall
...is not a practical engineer.

...Commissioners shall be chosen at the general
...next after the adoption of this Constitu-
...his office for one year, one for two years,
...The Commissioners of the Canal Fund

Sec. 5. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, Attorney-General and Surrogate, shall be elected by the people.

The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, Attorney-General, and Surrogate, shall be elected for four years.

The Canal Board shall consist of the Governor, the State Engineer and Surveyor, and the State Comptroller.

Sec. 6. The powers and duties of the several offices in this Article mentioned, shall hereafter be prescribed by law.

Sec. 7. The Treasurer may be suspended by the Governor, during the recess of the Legislature, after the commencement of the next session, if ever it shall appear to him that such Treasurer has violated his duty. The Governor shall appoint a person to discharge the duties of the office, during the absence of the Treasurer.

SEC. 8. All offices for the weighing, gauging, or inspecting any merchandize, produce, manure, or other thing, whatever, are hereby abolished, and no such office shall be created by law; but nothing in this section shall prevent any office created for the purpose of protecting the interests of the State in its property, revenue, or of supplying the people with correct standards of measures, or shall prevent the creation of any other office hereafter.

ARTICLE VI

SECTION 1. The Assembly shall have the power to impeach by the vote of a majority of all the members, any Judge of the trial of impeachments, shall be composed of the Senate, the Senators, or a major part of

...the others to be bound
...in population as nearly
...of the Supreme Court in
...district composed of the city
...be authorized by law, but
...in proportion to its popula-
...the number of such judges in
...to its population. They shall
...of each district shall go out of
...After the expiration of their
...the term of their office shall be eight

...shall have the same powers to alter and
...proceedings in law and equity, as they

...made by law for designating from time
...said justices, who is not a judge of the
...the general terms of the said court
...districts. Any three or more of the said
...said justices so designated shall always
...general terms. And any one or more of the
...terms and circuit courts, and any one of
...of over and terminer in any county.

...the Court of Appeals and justices of the
...shall receive at stated times for their
...be established by law, which shall not
...during their continuance in office.

...hold any other office or public trust. All
...for any elective office (except that of

...of the County of ...
...of this section, unless the ...
... unless the party complained ...
... of the complainant against the ...
... of being heard in his defense ...
... and noes shall be entered on the ...

Sec. 12. The judges of the Court of ...
the electors of the State, and the justices ...
Judges of the several judicial districts ...
prescribed by law.

Sec. 13. In case the office of any judge of ...
justice of the Supreme Court, shall become vacant ...
tion of the regular term for which he was elected ...
be filled by appointment by the Governor, and ...
at the next general election of judges, when ...
election for the residue of the unexpired term.

Sec. 14. There shall be elected in each of the ...
except the city and county of New-York, one ...
hold his office for four years. He shall hold ...
perform the duties of the office of surrogate. ...
have such jurisdiction in cases arising in justice ...
special cases, as the Legislature may prescribe ...
original civil jurisdiction, except in such special ...

The county judge, with two justices of the peace ...
according to law, may hold courts of sessions ...
jurisdiction as the Legislature shall prescribe, and ...
duties as may be required by law.

The county judge shall receive an annual salary ...
board of supervisors, which shall be neither increased ...
during his continuance in office. The justices of the ...
ices in courts of sessions, shall be paid a per diem ...
the county treasury.

...the seal of the signature
...may be regulated by law
...of inferior courts not of
...after due notice and an op
...by such county, city or
...by law, for causes to be assigned in

...of cities and villages, and all such
...therein by law, shall be elected at
...as the Legislature may direct.

...counties of this State shall be clerks
...such powers and duties as shall be pre-
...the Court of Appeals, to be ex-officio
...and to keep his office at the seat of gov-
...the electors of the State; he shall hold
...his compensation shall be fixed by law
...Treasury.

...er, except justices of the peace shall re-
...as or perquisites of office.

...may authorize the judgments decrees and
...ior court of record of original civil juris-
...y, to be removed for review directly into

...shall provide for the speedy publication
...such judicial decisions as it may deem ex-
...and judicial decisions shall be free for pub-

Section 1. After paying the expenses of maintenance and ordinary repairs, there shall be set aside in each fiscal year, out of the revenues of the State, beginning on the first day of June, one thousand eight hundred and six, the sum of one million and three hundred and fifty thousand dollars, and from the first day of June, one thousand eight hundred and six, from that time the sum of one million and three hundred and fifty thousand dollars in each fiscal year, as a sinking fund, to redeem the principal of that part of the State debt, as it existed at the time first aforesaid, and the principal and interest of the debt of one hundred thousand dollars then to be borrowed, and until the same is wholly paid; and the principal and income of the sinking fund shall be sacredly applied to that purpose.

Sec. 2. After complying with the provisions of this article, there shall be appointed and set aside out of the revenues of the State canals, in each fiscal year, beginning on the first day of June, one thousand eight hundred and six, the sum of three hundred and fifty thousand dollars, and if a sufficient sum shall have been appropriated and set aside in said first section, to pay the interest and extinguish the principal of the canal debt; and after that period, then the sum of one million and five hundred thousand dollars in each fiscal year, to pay the interest and redeem the principal of the State debt called the General Fund debt, including the interest of the State credit to rail road companies which has accrued thereon, and also the contingent debt on the same, and on the part of incorporated companies which have hitherto incurred thereon, whenever and as far as any part thereof shall be charge on the Treasury or General Fund, until the same is wholly paid; and the principal and income of the sinking fund shall be sacredly applied to the purpose.

...of the deficit, in which
...the canal, after expending
...the article, for paying
...of the Canal and General
...from the surplus rev-
...three hundred and fifty
...two hundred thousand dollars,
...the expenses of the government,
...be extinguished, or until the Erie
...Valley and Black River Canals
...that debt shall be paid, or the said
...the sum of six hundred and seventy-
...dollars, or so much thereof as shall be
...appropriated to defray the expenses of

...State against any incorporated company
...and the principal of the stock of the State
...company, shall be fairly enforced, and not
...the moneys arising from such claims
...as part of the sinking fund provided
...article. But the time limited for the
...of any release or compromise heretofore
...be extended by law.

...funds, or either of them, provided in this
...to enable the State, on the credit of
...means to satisfy the claims of the creditors
...payable, the Legislature shall, by equita-
...venues of the said funds as to make them,
...to preserve the public faith. Every
...the canals, or their debt, from any source,
...venues, shall, with quarterly interest, at the

Sec. 10. The credit of the State shall not be loaned to, or in aid of any individual, partnership, or corporation. The State may, to meet casual deficiencies or for expenses not provided for, contract debts, except one million of dollars; and the moneys raised creating such debts, shall be applied to the discharge of the same, or to repay the debt to any other purpose whatever.

Sec. 11. In addition to the above limited powers, the State may contract debts to repel invasion, or defend the State in war; but the money raised by contracting of such debts shall be applied to the payment of the same, or to repay such debts, and to no other purpose.

Sec. 12. Except the debts specified in the provisions of this article, no debt shall be hereafter contracted on behalf of this State, unless such debt shall be contracted for some single work or object, to be distinctly specified in such law shall impose and provide for the collection of a tax to pay, and sufficient to pay the interest on the same due, and also to pay and discharge the principal of the same within eighteen years from the time of the contracting thereof.

No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of the votes cast for and against it, at such election.

On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be entered in the journals thereof, and shall be: "Shall this bill pass? Shall it have the same to receive the sanction of the people?"

shall be formed under general laws; but no special act, except for municipal purposes, shall, in all such cases, be passed.

Section VIII

Corporations shall be formed under general laws; but no special act, except for municipal purposes, shall, in all such cases, be passed. And all corporations shall have the right to be sued in all courts in like cases as individuals.

Corporations shall be secured by such individual property and other means as may be prescribed by law.

Corporations as used in this article, shall be corporations and joint-stock companies having the privileges of corporations not possessed by individuals. And all corporations shall have the right to be sued in all courts in like cases as individuals.

Corporations shall have no power to pass any act granting a charter for banking purposes; but corporations or companies may be formed for such purposes under general laws.

Corporations shall have no power to pass any law sanctioning, directly or indirectly, the suspension of specie payments.

shall be respectively be appropriated to and made
School Fund
the support of academies, and
dollars of the revenues of the
each year be appropriated to and made
said Common School Fund.

ARTICLE

SECTION 1. Sheriffs, clerks of counties,
clerk of the city and county of New-Y
attorneys, shall be chosen, by the electors
once in every three years and as often as
Sheriffs shall hold no other office, and be
years after the termination of their offices.
by law, to renew their security, from time to
giving such new security, their offices shall
the county shall never be made responsible for

The Governor may remove any officer,
within the term for which he shall have been
officer a copy of the charges against him,
being heard in his defence.

SEC. 2. All county officers whose election
provided for, by this Constitution, shall be
the respective counties, or appointed by the
other county authorities, as the Legislature
town and village officers, whose election of

...shall be chosen, or appointed, as follows:—
...commissioned officers shall be chosen by
...members of their respective companies.
...and separate battalions, by the written
...officers of the respective regiments and
...major-generals and brigade inspectors by the
...respective brigades; major generals, brigadier
...officers of regiments or separate battalions,
...to their respective divisions, brigades,
...battalions.

...shall nominate, and with the consent of the
...generals, and the commissary general. The
...chiefs of staff departments, and the aids-
...in-chief shall be appointed by the Gov-
...ernment shall expire with the time for which
...been elected. The commissary general shall

Section XI

...State, shall at all times hereafter, be
...in readiness for service; but all such
...any religious denomination whatever as
...may be averse to bearing arms, shall be
...conditions as shall be prescribed by

...shall be chosen, or appointed, as follows:—
...commissioned officers shall be chosen by
...members of their respective companies.
...and separate battalions, by the written
...officers of the respective regiments and
...major-generals and brigade inspectors by the
...respective brigades; major generals, brigadier
...officers of regiments or separate battalions,
...to their respective divisions, brigades,
...battalions.

...shall nominate, and with the consent of the
...generals, and the commissary general. The
...chiefs of staff departments, and the aids-
...in-chief shall be appointed by the Gov-
...ernment shall expire with the time for which
...been elected. The commissary general shall

SECTION 1. Members of the Executive and judicial, except such inferior officers, shall, before they enter on the duties of their office, and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) to support the Constitution of the United States, and of the State of New-York; and that I will faithfully discharge the duties of the office of _____ according to the best of my ability. And no other oath, declaration, or test shall be required for any office or public trust.

ARTICLE XIII

SECTION 1. Any amendment or amendments may be proposed in the Senate and Assembly; and if agreed to by a majority of the members of both houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays, and referred to the Legislature to be chosen at the next meeting of Senators, and shall be published for three months before the time of making such choice, and if in the Legislature, as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority, of all the members elected at the next meeting, then it shall be the duty of the Legislature to submit such amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if approved, and ratified by a majority of the electors qualified to vote for members of the Legislature at the next general election, such amendment or amendments shall become a part of the Constitution.

SEC. 2. At the general election to be held in the year one thousand and sixty-six, and in each twentieth year thereafter,

of that year, the Governor, Treasurer, Attorney General, and Canal Commissioner, shall be elected when this Constitution shall take effect, and shall continue in office until and including the year one thousand eight hundred and forty-

eight. The judges and clerk of the Court of Appeals, the Justices of the Peace, and county judges, shall take office on the first Tuesday of April and the second Tuesday of July, one thousand eight hundred and forty-seven, as may be directed by law. The courts shall respectively enter upon their duties on the first day of July, next thereafter; but the clerk and justices as declared by this Constitution shall commence on the first day of January, one thousand eight hundred and forty-eight.

On the first day of July, one thousand eight hundred and forty-eight, all suits and proceedings then pending in the Court and Court of Chancery, and all suits then commenced and then pending in any court in the city and county of New-York, shall be transferred to the Court hereby established. Proceedings in oyer and tenners pleas and in suits originally commenced in the county courts shall be transferred to the county courts provided in such manner and form and under such regulations as may be provided by law. The courts of oyer and tenners shall, in their respective counties, have jurisdiction on the day last mentioned, of all indictments then pending in the present courts of oyer and tenners, and of all indictments and proceedings then pending in

Secretary of State

CONSTITUTION OF 1846

and the age of twenty-one years who
the last thirty days and an inhabitant of this State
the last thirty days a resident of the
may offer his vote, shall be entitled
the election district of which he shall
and not elsewhere, for all officers that
be elective by the people, and upon all
mitted to the vote of the people, provided
in the actual military service of the
in the army or navy thereof, shall be
reason of his absence from such election dis-
shall have power to provide the manner
place at which such absent electors may
and canvass of their votes in the election dis-
sively reside.

shall receive, expect, or offer to receive, or
pay, contribute, offer or promise to contribute

Constitution of 1846 verified by "The Constitution of
November 3, 1846. As amended and in force
from the original in office of Secretary of State,
Dick, Secretary of State. Albany: Weed, Parsons

people, November 3, 1874.

the county of Hamilton, shall always be entitled to one member of the Assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member. But the Legislature may abolish the said county of Hamilton, and annex the territory thereof to some other county or counties. Nothing in this section shall prevent division at any time of counties and towns, and the erection of new towns and counties by the Legislature.

^a SEC. 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

^a SEC. 7. No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

^a SEC. 8. No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of Congress, a civil or military officer under the United States, or an officer under any city government. And if any person shall, after his election as a member of the Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

ARTICLE III

^b SEC. 17. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

^b SEC. 18. The Legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

^a As amended by vote of the people, November 3, 1874.

^b Added by vote of the people, November 3, 1874.

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of that year, 1
Secretary, Treasurer, Att
General, Canal Commission
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...shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for him a suitable and furnished executive residence.

...shall receive for his services an annual salary of ten thousand dollars, and shall not receive or be entitled to receive any pension, fee or perquisite for any duty or service performed by the Constitution or by law.

...shall have passed the Senate and Assembly, a law, be presented to the Governor; if he shall approve it, he shall sign it; but if not, he shall return it with his objections, which it shall have originated, which shall be entered on the journal, and proceed to reconsideration, two-thirds of the members of each house shall agree to pass the bill it shall be sent to the other house by which it shall likewise be passed; if approved by two-thirds of the members of each house it shall become a law notwithstanding the objection of the Governor. In all such cases, the votes in both houses shall be taken by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. The Governor shall not be returned by the Governor within (the period specified) after it shall have been presented to

of the people, November 3, 1874.
vote of the people, November 3, 1874.

...shall appoint all other officers and clerks, and shall have the approval of the same. The Governor shall appoint the clerk of the Court, and shall have all the powers and duties hereunto herewith, which have heretofore been exercised by the Inspectors of State Prisons; and the office of Superintendent of State Prisons, if the same is not abolished, the office of Inspector of State Prisons is abolished. The Governor may remove any officer at any time, giving to him a written notice, and an opportunity to be heard in person.

Article VI.

The Court shall have the power of impeachment, and shall try all the members elected. The Court for the trial of impeachments shall be composed of the President of the Senate, and a major part of them, and the Judges of the Supreme Court, and a major part of them. On the trial of an impeachment against the Governor, the Lieutenant-Governor shall preside over the court. No judicial officer shall exercise the power of impeachment against him shall have been impeached until he shall have been acquitted. Before the trial, the members of the court shall take an oath to do impartially to try the impeachment, and no person shall be convicted without the concurrence of a majority of the members present. Judgment in

...shall be made in the ...
...Chief Judge shall ...
...Judge any longer than ...
...as Chief Judge. The powers ...
...shall not be suspended for want of ...
...the number of Judges is sufficient to ...
...appointments under this section shall ...
...the last day of December next after the ...
...shall be filled.

Sec. 4. Upon the organization of the Court of Appeals under this article, the causes then pending in the present Court shall become vested in the Court of Appeals hereby established. Said causes as are pending on the first day of January, one thousand and sixty-nine, shall be heard and determined by a Court to be composed of five Commissioners of Appeals. A majority shall be necessary to constitute a quorum; but the Court hereby established may order any of said causes to be heard by a single Commissioner. Such Commissioner shall be composed of the Justices of the Court of Appeals, elected or appointed thereto, and one Commissioner who shall be appointed by the Governor, by and with the advice and consent of the Senate; or, if the Senate be not in session, by the Governor; but in such case, the appointment shall terminate at the end of the next session.

Sec. 5. If any vacancy shall occur in the office of any Commissioner, it shall be filled by appointment by the Governor, by and with the advice and consent of the Senate; or if the Senate be not in session, by the Governor; but in such case, the appointment shall terminate at the end of the next session. The Commissioners shall elect from their number, a Chief Commissioner; and may

...shall be taken in like manner as in cases otherwise provided, the Legislature shall have and regulate the jurisdiction and powers that they have heretofore exercised. Vacancies shall occur, otherwise than by expiration of term of the Supreme Court, the same shall be filled at the next general election happening not later than six months after such vacancy occurs; and until any vacancy is filled, the Governor by and with the advice and consent of the Senate shall be in session, or if not in session, the Governor shall call the Senate into session to fill such vacancy. Any such appointment shall be made on or before the last day of December of the year in which the vacancy shall be filled. The Justices of the Court of Appeals, and the Justices of the Supreme Court, shall not hold any other office or public trust. No person shall be appointed to any judicial office, given to the people, shall be void. The Justices of the Court of Appeals, and Justices of the Supreme Court, shall be removed by concurrent resolution of both houses of the Legislature by a two-thirds of all the members elected to each

...shall be provided by law. The number of Justices of the Supreme Court shall be ascertained by law. A Chief Judge shall be appointed from the Justices of the Supreme Court, who shall preside in the office of the Court, and shall continue in office until he shall be removed otherwise than by expiration of his term, in the same manner as vacancies in the Supreme Court may provide for detailing Judges of the County Court of Common Pleas of New York to hold sittings of the Supreme Court in that city as the Justices of the Court may determine.

Sec. 13. Justices of the Supreme Court shall be elected by the electors of their respective Judicial Districts in the same manner as Justices of the County Courts mentioned in the last preceding article shall be elected, and shall hold office for the term therein stated. The official terms of the said Justices shall be elected after the adoption of this article, and shall commence from and including the first day of January next following the adoption of this article. But no person shall hold the office of Justice of the Supreme Court longer than until and including the last day of December after he shall be seventy years of age.

Sec. 14. The Judges and Justices hereinbefore mentioned shall receive for their services a compensation to be ascertained by law, which shall not be diminished during their official terms. The Judges of the Court of Appeals and the Justices of the Supreme Court, they shall be paid, and the expenses of their offices shall be provided by the cities or counties in which such courts are held, and shall be provided by law.

Sec. 15. The existing County Courts are continued in office at the adoption of this article until the expiration of their respective terms. They shall be chosen by the electors of the counties, for the term therein stated. The County Court shall have the powers and jurisdiction...

of the State of
Not to exceed
County Judges and of
and to
as provided by law
for submitting to the
in the year eighteen hundred
be voted upon on separate ballots,
of Chief Justice and Associate
of Justice of the Supreme Court,
If a majority of the votes
the affirmative, the said officers shall
as vacancies occur, they shall be filled
Governor by and with the advice and consent
be not in session, by the Governor;
to the Senate when next convened,
the Governor alone shall expire at the end
of the offices of the Judges mentioned in
of article six of the Constitution, be here-
If a majority of the votes upon the
affirmative, the said officers shall not there-
vacancies occur, they shall be filled in the
provided.

of the several towns shall, at their annual
such manner as the Legislature may direct,
whose term of office shall be four years.

people, November 4, 1873—pursuant to chapter 314,
in the negative.

SEC. 21. No judicial officer, except a Justice of the Court of Appeals, shall, while he is in office, practice as an attorney or counselor in this State, or act as referee.

SEC. 22. The Legislature may authorize the decisions of any court of record of original jurisdiction in a city, to be removed for review to the Court of Appeals.

SEC. 23. The Legislature shall provide for the publication of all Statutes, and also for the appointment of a Supreme Court designated to hold General Term, and the decisions of that court. All laws and judgments shall be for publication by any person.

SEC. 24. The first election of Judges of the Court of Appeals of the three additional Judges of the Court of Appeals in the city and county of New York shall take place on the first Tuesday of April and the second Tuesday of May, after the adoption of this article, as may be provided by law. The Commissioners of Appeals, and the Justices of the said Court of Common Pleas, shall respectively hold their offices on the first Monday of July thereafter.

SEC. 25. Surrogates, Justices of the Peace and Justices of the County Courts, provided for in section sixteen, in office when this article takes effect, shall hold their respective offices until the expiration of their terms.

SEC. 26. Courts of Special Sessions shall have jurisdiction of offenses of the grade of misdemeanors as may be provided by law.

SEC. 27. For the relief of Surrogates' Courts, the Legislature shall confer upon courts of record, in any county having a population exceeding four hundred thousand, the powers and

...shall reside in the district in which
...in the second judicial district and
...The Legislature may alter the
...number, once after every enu-
...of the inhabitants of the State.
...in the city of New York, the Court
...and county of New York, the Superior
...Court of Brooklyn, are continued with
...they now severally have, and such further

...the people, November 5, 1872.
... (except section 28) was framed by delegates
... chapter 194, Laws of 1867, to a Constitutional Con-
... section 2 of article 18 of the Constitution, by vote
... election held November 6, 1866), which Convention
... 4, 1867, and adjourned February 28, 1868.
... 28) was submitted separately to the people, pur-
... of 1869, at the general election held November 2,
... and adopted by the Board of State Canvassers, by
... dated December 6, 1869, the official vote thereon,
... the amended judiciary article," 247,240 votes, and
... "the amended judiciary article," 240,442 votes.
... commissioners of Appeals extended to July 1, 1875, by
... amended by vote of the people, November 7, 1882.
... 1883.
... of the people November 4, 1879.
... of 1847, chapter 485, Laws of 1857, and chapter 24,
... judicial districts. See, also, section 28, adopted by
... increasing number of Justices of the Supreme Court,
... 1868.

...for the payment of...
...of the debts of the State...
...and neither of them shall be...
...them for the specific pur...

...Canal Board, Canal Appraisers,
...in behalf of the State, shall audit,
...between citizens of the State, would
...the limitation of existing claims shall
...of this section; but this provision
...claims already barred by existing
...fixing the time within which claims
...; nor shall it extend to any claims duly
...by law, and prosecuted with due
...such presentment. But if the claimant
...the claim may be presented within two
...removed.

ARTICLE VIII

...shall, by general law, conform all char-
...stitutions for savings, to a uniformity of
...and all charters hereafter granted for
...made to conform to such general law, and
...may be made thereto. And no such corpora-
...stock, nor shall the trustees thereof, or any
...whatever, direct or indirect, in the profits
...no director or trustee of any such bank or
...in any loan or use of any money or

including existing indebtedness, shall not exceed the assessed valuation of the real estate subject to taxation, as it appeared on the last assessment of such county or city on the last assessment date, plus the amount of such limitation, except such as may be otherwise provided, and shall be void, except as herein otherwise provided, in any county or city whose present indebtedness exceeds the assessed valuation of its real estate subject to taxation, and shall not become indebted in any further amount, and the amount shall be reduced within such limit. This section shall be construed to prevent the issuing of certificates of indebtedness or bonds issued in anticipation of the collection of taxes actually contained, or to be contained in the certificates, if such certificates or revenue bonds are issued and used for taxes. Nor shall this section be construed to prevent the issuing of bonds to provide for the supply of water, but the amount of such bonds issued to provide for the supply of water shall not exceed, in any year, and a sinking fund shall be created on the principal of such bonds for their redemption, by raising annually a sinking fund to produce an amount equal to the sum of the principal of such bonds and sand bonds at their maturity. The amount hereof shall not exceed, in any county or city, over one hundred thousand inhabitants, or any such county or city, in addition to providing for the principal and interest on such debt, shall not in the aggregate exceed in any year, one per centum of the assessed valuation of the real and personal property of such county or city, to be ascertained as prescribed in this section, with respect to county or city debt.

^a As amended by vote of the people, November 3, 1874.

^b Sections 10 and 11 added by vote of the people, November 3, 1874, and amended by vote of the people, November 4, 1884.

ARTICLE X

***SEC. 9.** No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

ARTICLE XII ^b

SECTION 1. Members of the Legislature (and all officers, executive and judicial, except such inferior officers as shall be by law exempted) shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of _____, according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test shall be required as a qualification for any office of public trust.

ARTICLE XV ^c

SECTION 1. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, any thing of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

SEC. 2. And person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall

^a Section 9 added by vote of the people, November 3, 1874.

^b As amended by vote of the people, November 3, 1874.

^c Article 15 added by vote of the people, November 3, 1874.

Done in Convention, at the Capital, on the
day of October in the year one thousand
and of the Independence of the United States
twenty-first.

In witness whereof, we have hereunto set our hands

President and Delegates

JAMES F. STARBUCK,
H. W. STRONG,
FR. SEGER,
Secretaries

**VOTE OF THE PEOPLE UPON THE CONSTITUTIONAL
AMENDMENTS—1845-1866**

- Nov. 4, 1845. For a convention to consider and alter the Constitution.....
Against.....
- Nov. 3, 1846. For amended Constitution.....
Against.....
- Feb. 15, 1854. For amendment of section 3 of article 7, for the
completion of canals.....
Against.....
- Nov. 6, 1866. For a convention to revise Constitution.....
Against.....

• Article 16 added by vote of the people, Nov. 1866

.....	527, 207
.....	324, 222
.....	222, 222
.....	193, 047
.....	825, 523
.....	194, 333
.....	353, 514
.....	179, 365
.....	351, 696
.....	177, 923
.....	446, 868
.....	85, 758
.....	533, 153
.....	81, 332
.....	530, 228
.....	80, 359
.....	95, 331
.....	25, 573
.....	221, 903
.....	111, 225
.....	493, 105
.....	163, 151
.....	248, 784
.....	75, 644
.....	499, 661
.....	9, 161
.....	574, 993
.....	30, 768

total votes. * Including 3,735 informal votes.

§ 3. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the safety may require its suspension.

§ 4. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the safety may require its suspension.

§ 5. Excessive bail shall not be required, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

§ 6. No person shall be held to answer for a crime, unless on presentment or indictment of a grand jury, and in any trial in any court whatever the accused shall be allowed to appear and defend in person and by counsel.

§ 7. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

* The Clerk's Manual of Rules, Forms and Laws for the Senate and Assembly of the State of New York, published pursuant to section 15 of the legislative law. Lafayette B. ...
Senate; A. E. Baxter, Clerk of the Assembly. Albany: ...
Printers. 1907. 662 pp.

* As proposed by the Constitutional Convention, September 17, 1787, and adopted by the people of the State, November 20, 1787.

to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

[Section 6 of article I of the constitution of 1846, without change.]

§ 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others, under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

[Section 7 of article I of the amended constitution of 1846, amended. The last sentence, relating to the drainage of agricultural lands, is new.]

§ 8. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

[Section 8 of article I of amended constitution of 1846, without change.]

§ 9. No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; nor shall any lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling hereafter be authorized or allowed within this state; and the Legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

[Section 10 of article I of the amended constitution of 1846, amended. The part of this section relating to pool-selling, book-making and other kinds of gambling is new.]

§ 10. The people of this State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of this State; and all lands the title to which shall fail, from a defects of heirs, shall revert, or escheat to the people.

[Section 11 of article I of the amended constitution of 1846, without change.]

§ 11. All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however, all rents and services certain which at any time heretofore have been lawfully created or reserved.

[Section 12 of article I of the amended constitution of 1846, without change.]

...of the colony of New York, and of the convention of the colony, on the nineteenth day of April, one thousand seven hundred and seventy-five, and the rest of the colony, and of the convention of the colony, on the twentieth day of April, one thousand seven hundred and seventy-five, which have not since expired, and such acts of the Legislature of this State shall be and continue the law of this State, as the Legislature shall make concerning the parts of the common law, and such acts as are repugnant to this Constitution, are hereby

[Section 17 of article I of the amended constitution striking out the part of such section 17 as related to the codification commissioner.]

§ 17. All grants of land within this State, made by Great Britain, or persons acting under his authority, on or before the tenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this section shall affect any grants of land within this State, made by the king or his predecessors, or made to bodies politic or corporate, by him or them, or shall affect any such grants or charters since made, or by persons acting under its authority; or shall affect any debts, contracted by the State or any body politic or corporate, or any other rights of property, or any action, or other proceedings in courts of justice.

[Section 18 of article I of the amended constitution of 1792.]

§ 18. The right of action now existing to recover damages for injuries resulting in death, shall never be abrogated, and the same shall not be subject to any statutory limitation.

[This section is new.]

... shall swear or affirm before the officers authorized to administer the oath, that he or she does not expect to receive, be promised to pay, contributed, offered or used, any money or other thing of value, as compensation or reward for the giving of his or her vote at such election, and has not made any promise or agreement, directly or indirectly interested in any bet or wager, the result of such election. The Legislature shall exclude from the right of suffrage all persons convicted of any infamous crime.

The amended constitution of 1846, amended. The original provision was as follows: "The legislature of the State, from and after the adoption of this section, shall, and from time to time thereafter, excluding from the right of suffrage all persons convicted of any infamous crime."]

... voting, no person shall be deemed to have been disqualified by reason of his presence or absence, while absent from the United States; nor while engaged in the service of the United States, or of the United States, or while a student of any seminary of learning; nor while in a hospital, or other asylum, or institution for the insane, or at public expense or by charity; nor while in prison.

The amended constitution of 1846 amended by inserting the words "or other institution wholly or partly supported at public expense" the words "or by charity."]

...shall secure a majority of the votes which, at the general election, each branch of officers are to be elected by the highest number of votes. All such officers shall be elected or elected in such manner and such representatives of said parties to be elected shall be direct. Existing laws on this subject shall otherwise provide. This shall apply to town meetings, or to village elections.

[New.]

ARTICLE III

Section 1. The legislative power of this State shall be vested in the Senate and Assembly.

[Section 1 of article III of the amended constitution changing the word "a" before "senate" to "the." This was referred to by the revisers, but as the people voted on the question, it seems to have been effected.]

§ 2. The Senate shall consist of fifty members, as provided. The senators elected in the year one thousand and ninety-five shall hold their offices for two years; their successors shall be chosen for two years. The Assembly shall consist of one hundred and fifty members, who shall hold their offices for one year.

[New, superseding section 2 of article III of the constitution of 1846, which provided for a senate of 32 members, and an assembly of 100 members. The provision that the senate shall consist of 50 members, as hereinafter provided, refers to the provision in the section 4 of this article.]

of that part of the county
of district number six, twenty-seventh
at Brooklyn.

of that part of the county
of district number ten, and within and
at the junction of Broadway and Canal
along Broadway, Canal street, the Bowery, Divi-
Jackson street, to the East river and
of Manhattan island, to the place of
Bedloe's and Ellis islands.

(19) shall consist of that part of the county
of district number ten, and within and
at the junction of Broadway and Canal
along Broadway, Fourth street, the Bow-
Mark's place, Avenue A, Seventh street,
Rivington street, Norfolk street, Division
street, to the place of beginning.

(19) shall consist of that part of the county
of districts numbers ten and eleven and
a line beginning at Jackson street and the
thence through Jackson street, Grand street,
street, Rivington street, Clinton street,
Avenue A, St. Mark's place, Third avenue,
to the East river, and along the East river,

...shall consist of that part of the
...of districts numbers nineteen and
...beginning at East One Hundred
...river, and running thence
...fourteenth street, Fourth or Park ave-
...fifth street, Fifth avenue and the
...beginning, and all that part of the
...described.

... (22) shall consist of the county of

... (23) shall consist of the counties of

... (24) shall consist of the counties of
...ram.

... (25) shall consist of the counties of

... (26) shall consist of the counties of
...Bullivan.

... (27) shall consist of the counties of
...ilton and Schoharie.

... (28) shall consist of the counties of
...Washington.

... (29) shall consist of the county of

... (30) shall consist of the county of Rens-

... (31) shall consist of the counties of
...ren.

... (32) shall consist of the counties of St.

District number forty-three (43) shall consist of the county of Orleans comprising the towns of Medina, Painesville, Paris, and the fourth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth wards of the city of Rochester as at present constituted.

District number forty-four (44) shall consist of the county of Monroe comprising the towns of Adams, Green, Hamlin, Oden, Parma, Riga, and the first, second, third, fifth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and twentieth wards of the city of Rochester as at present constituted.

District number forty-five (45) shall consist of the county of Niagara, Genesee and Orleans.

District number forty-six (46) shall consist of the county of Allegany, Livingston and Wyoming.

District number forty-seven (47) shall consist of the county of Erie comprising the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth wards of the city of Buffalo, as at present constituted.

District number forty-eight (48) shall consist of the county of Erie comprising the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth wards of the city of Buffalo as at present constituted.

District number forty-nine (49) shall consist of the county of Erie comprising the seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, seventy-ninth, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth, eighty-ninth, ninetieth, ninety-first, ninety-second, ninety-third, ninety-fourth, ninety-fifth, ninety-sixth, ninety-seventh, ninety-eighth, ninety-ninth, one hundredth wards of the city of Buffalo, as at present constituted, and the remainder of the said county of Erie not heretofore included in any of the districts herein provided for.

District number fifty (50) shall consist of the county of Chautauqua and Cattaraugus.

[New, superseding the apportionment made by laws 1892-1901.]

§ 4. An enumeration of the inhabitants of this State shall be taken under the direction of the Secretary of State, during the year 1901.

Article III of the amended constitution of 1846.]

Assembly shall be chosen by single dis-
tricts by the Legislature at the first regular
session, after the enumeration among the several
counties as may be according to the number of
inhabitants, including aliens. Every county hereto-
fore organized, except the county of Hamil-
ton, shall elect one member of Assembly, and no
county shall be entitled unless its population shall entitle it
to a member. The county of Hamilton shall elect with the county of
Frontenac one member. But the Legislature may
divide the county of Hamilton and annex the territory thereof
to other counties.

The members of Assembly shall be apportioned by dividing the whole number of inhabitants
of the province, including aliens, by the number of members of assembly,
and the quotient shall be the ratio of apportionment, which shall be made as follows:
One member shall be apportioned to every county, in-
cluding the county of Hamilton as one county, containing less than the
ratio. Two members shall be apportioned to every
county containing more than two ratios according to the

shall prevent the Legislature from assembling in extraordinary session, or from continuing its session, or from adjourning, or from reconvening, or from holding any other body, shall be subject to the suit of any citizen, under the penalties which the Legislature may prescribe; and any bill pending involving an apportionment shall be suspended, and the Legislature shall convene promptly thereafter, over all other causes and proceedings, and in session it shall convene promptly thereafter.

[Article III of the amended constitution of 1846, amended by Laws of 1892, chapter 897.]

The Legislature shall receive for his services a salary of five hundred dollars. The members shall also receive the sum of one dollar for every day going to and returning from their place of residence, on the most usual route, Senators, when convened in extraordinary session, or when convened in the Court for the Trial of Impeachments, and members of the Assembly, not exceeding nine members, as members of an impeachment, shall receive an additional dollar a day.

[Article III of the amended constitution of 1846, without change.]

The Legislature shall receive any civil appointments from the Senate of the United States, from the President and Senate, or from the Legislature, or from any other authority during the time for which he shall have been appointed, and all votes given for any such appointments or appointment shall be void.

[Article III of the amended constitution of 1846, without change.]

§ 11. Each house shall keep a journal of its proceedings, and the same, except such parts as may be deemed necessary to be kept secret, shall be kept open, except when the house shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

[Section 11 of article III of the amended constitution change.]

§ 12. For any speech or debate in either house, the members shall not be questioned in any other place.

[Section 12 of article III of the amended constitution change.]

§ 13. Any bill may originate in either house, and all bills passed by one house may be amended in the other.

[Section 13 of article III of the amended constitution change.]

§ 14. The enacting clause of all bills shall be "The State of New York, represented in Senate and Assembly follows," and no law shall be enacted except by bill.

[Section 14 of article III of the amended constitution change.]

§ 15. No bill shall be passed or become a law unless it has been printed and upon the desks of the members, in the least three calendar legislative days prior to its final passage, and the Governor, or the acting Governor, shall have certain notice of its immediate passage, under his hand and seal of the State; nor shall any bill be passed or become a law

...of property for the purpose of...
...of article I of the amended constitution...
...shall...
...of its funds, or any of the funds...
...pursuance of an appropriation...
...made within two years next after the...
...; and every such law making a new...
...reviving an appropriation, shall distinctly...
...riated, and the object to which it is to be...
...be sufficient for such law to refer to any other...

[Section 8 of article VII of the amended constitution]

§ 22. No provision or enactment shall be made for an appropriation or supply bill, unless it relates to a particular appropriation in the bill; and any such enactment shall be limited in its operation to such appropriation.

[New.]

§ 23. Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which are referred to the legislature by commissioners who have been appointed by law to revise the statutes.

[Section 25 of article III of the amended constitution]

§ 24. Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied; and shall not be sufficient to refer to any other law to fix the rate of the tax.

[Section 20 of article III of the amended constitution]

§ 25. On the final passage, in either house of the legislature, of an act which imposes, continues or revives a tax, or a charge, or makes, continues or revives any appropriation...

...provide for the occupation and
of the several State prisons, peni-
tentiaries in the State; and on and after the
first day of January one thousand eight hundred and
ninety-six, in each prison, penitentiary, jail or
other institution, or allowed to work, while under sen-
tence, any industry or occupation, wherein or
through which the product or profit of his work, shall be
sold or sold to any person, firm, association
shall not be construed to prevent the
that convicts may work for, and that
may be disposed of to, the State or any
for or to any public institution owned
by the State, or any political division

ARTICLE IV

The power shall be vested in a Governor, who
shall hold office for two years; a Lieutenant-Governor shall be
elected for the same term. The Governor and
Lieutenant-Governor shall be elected next preceding the time when this sec-
tion shall hold office until and including the thirty-
first day of January one thousand eight hundred and ninety-six,

§ 4. The Governor shall be Commander in Chief of the National Guard of the State. He shall have the power to call the National Guard of the State into the service of the State in case of insurrection, invasion, or other emergency. He shall have the power to pardon and commute sentences after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to any regulations as may be provided by law relative to the application for pardons. Upon conviction for treason he shall have the power to suspend the execution of the sentence, until he reports to the Legislature at its next meeting, when he shall either pardon, or commute the sentence, discharge the convict from the sentence, or grant a further reprieve. He shall communicate to the Legislature each case of reprieve, pardon granted, stating the name of the convict, the date he was convicted, the sentence and its date, and the commutation, pardon or reprieve.

[Section 4 of article IV of the amended constitution of 1901. Change of the word "them" to "it," referring to the sentence.]

§ 5. The Governor shall have the power to grant commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to any regulations as may be provided by law relative to the application for pardons. Upon conviction for treason he shall have the power to suspend the execution of the sentence, until he reports to the Legislature at its next meeting, when he shall either pardon, or commute the sentence, discharge the convict from the sentence, or grant a further reprieve. He shall communicate to the Legislature each case of reprieve, pardon granted, stating the name of the convict, the date he was convicted, the sentence and its date, and the commutation, pardon or reprieve.

[Section 5 of article IV of the amended constitution of 1901.]

...shall not receive to him
...or perquisite, for any duty
...by the Constitution or by

...constitution of 1848, without change.]
...passed the Senate and Assembly
...presented to the Governor; if he
...not, he shall return it with his objec-
...All have originated, which shall enter
...journal, and proceed to reconsider it.
...two-thirds of the members elected to
...the bill, it shall be sent together with
...house, by which it shall likewise be re-
...by two-thirds of the members elected
...a law notwithstanding the objections
...each cases, the votes in both houses shall
...days, and the names of the members voting
...journal of each house respectively. If any
...the Governor within ten days (Sundays
...have been presented to him, the same shall
...if he had signed it, unless the Legislature
...prevent its return, in which case it shall
...the approval of the Governor. No bill
...the final adjournment of the Legislature,
...Governor within thirty days after such ad-
...presented to the Governor contain several

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Discontinuing
Law Books

...the next section to the last are new, taking the place
...been." The sentence relating to the abolishing of
...prisons is omitted.]

...the amended constitution of 1846, amended. The
...the next section to the last are new, taking the place
...been." The sentence relating to the abolishing of
...prisons is omitted.]

...Prisons shall be appointed by the
...and consent of the Senate, and hold
...removed; he shall give security
...sureties as shall be required by law
...his duties; he shall have the superin-
...control of State prisons, subject to such
...hereafter be enacted; he shall appoint the
...and chaplains of the prisons. The agent
...shall appoint all other officers of such
...subject to the approval of the same by the
...controller shall appoint the clerks of the
...agent shall have all the powers and perform
...herewith, which were formerly had
...inspectors of State Prisons. The Governor
...dependent for cause at any time, giving to him
...against him, and an opportunity to be heard in

Section 7 of article V of the amended constitution.

§ 8. All offices for the weighing, measuring, or assaying any merchandise, produce, or other thing, whatever, are hereby abolished; and no new offices shall be created by law; but nothing in this section shall prevent any office created for the purpose of procuring the assents of the State in its property, or of supplying the people with correct measures, or shall prevent the creation of any office hereafter.

Section 8 of article V of the amended constitution.

§ 9. Appointments and promotions in the army and navy, and of all the civil divisions thereof, including the militia, shall be made according to merit and fitness to be performed, as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States, who are citizens and residents of this State, shall have preference in appointment and promotion with respect to standing on any list from which such appointments and promotions shall be made. Laws shall be made to provide for the execution of this section.

[New.]
[The following article is a substitute for article VI of the constitution of 1846, and the notes at the end of the following sections are similar provisions in the sections of such article.]

county of Kings to be made on the second Tuesday of June, one thousand eight hundred and ninety-five, shall be made by the common council of the said city and the board of supervisors of said county, assembled in joint session. In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. No town, and no block in a city inclosed by streets or public ways, shall be divided in the formation of assembly districts, nor shall any district contain a greater excess in population over an adjoining district in the same senate district, than the population of a town or block therein adjoining such assembly district. Towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens; but in the division of cities under the first apportionment, regard shall be had to the number of inhabitants, excluding aliens, of the election districts according to the state enumeration of one thousand eight hundred and ninety-two, so far as may be, instead of blocks. Nothing in this section shall prevent the division, at any time, of counties and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject to review by the Supreme Court, at the suit of any citizen, under such reasonable regulations as the Legislature may prescribe; and any court before which a cause may be pending involving an apportionment, shall give precedence thereto over all other causes and proceedings, and if said court be not in session it shall convene promptly for the disposition of the same.

[New, superseding section 5 of article III of the amended constitution of 1846, and the assembly apportionment made by Laws of 1892, chapter 397.]

§ 6. Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting, once in each session, on the most usual route, Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the Trial of Impeachments, and such members of the Assembly, not exceeding nine members, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.

[Section 6 of article III of the amended constitution of 1846, without change.]

§ 7. No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government, during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

[Section 7 of article III of the amended constitution of 1846, without change.]

Orange
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Orange
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justices of the county
power to fix the times
and to assign the
or to make rules therefor.

1905.]

[Amended and adopted November 7, 1884
stitute for and has the jurisdiction of the
constitution of 1846, article VI, sections 7
8th ed., p. 291.]

§ 3. No Judge or Justice shall sit in
the Court of Appeals in review of a d
court of which he was at the time a sitting
in equity cases shall be taken in like manner
except as herein otherwise provided, the
same power to alter and regulate the juri
law and in equity that it has heretofore exer

[Section 8 of article VI of the amended constitution]

§ 4. The official terms of the Justices of the
be fourteen years from and including the first
after their election. When a vacancy shall
expiration of term in the office of Justice of
same shall be filled for a full term, at the next
pening not less than three months after such
until the vacancy shall be so filled, the Go
advice and consent of the Senate, if the Senate

of article VI of the amended constitution

of Oyer and Terminer are abolished
December, one thousand eight hundred
jurisdiction shall thereupon be vested in
actions and proceedings then pending in
to the Supreme Court for hearing
of the Supreme Court, except as
hele, may hold court in any county.

the chief judge and associate judges now in
offices until the expiration of their respec-
tively, who shall be chosen by the electors of
of the chief judge and associate judges
from and including the first day of January
Five members of the court shall form a
of four shall be necessary to a decision.
to appoint and to remove its reporter,
Whenever and as often as a majority of the

...the Governor, and
...may make appointments of Chief
...Associate Judges, a temporary
...shall be made in like manner, but in
...Chief Judge shall not be deemed to vacate
...no longer than until the expiration of
...Judge. The powers and jurisdiction of
...provided for want of appointment or election
...Judges is sufficient to constitute a quorum
...this section shall continue until and including
...ber next after the election at which the vacancy

[Section 3 of article VI of the amended constitution
change in language.]

§ 9. After the last day of December, one thousand
and ninety-five, the jurisdiction of the Court of
the judgment is of death, shall be limited to cases
of law. No unanimous decision of the Appellate
Supreme Court that there is evidence supporting
tain a finding of fact or a verdict not directed
reviewed by the Court of Appeals. Except where
of death, appeals may be taken, as of right, to
judgment or orders entered upon decisions of the
of the Supreme Court, finally determining action
ceedings, and from orders granting new trials
the appellants stipulate that upon affirmance judg-
be rendered against them. The Appellate Division
ment may, however, allow an appeal upon any question
in its opinion, ought to be reviewed by the Court of

The Legislature may further restrict the jurisdiction
of Appeals and the right of appeal thereto, but
shall not depend upon the amount involved.

...shall receive
...by law, which shall not
...their official terms, except as pro
...No person shall hold the office of
...than until and including the last
...shall be seventy years of age. No
...the first day of January, one thousand
...shall be entitled to receive any com-
...of December next after he shall be
...the compensation of every Judge of the
...of the Supreme Court elected prior to
...thousand eight hundred and ninety-four,
...or whose present term of office shall be,
...have served as such Judge or Justice ten
...during the remainder of the term
...any such Judge or Justice may, with his
...Governor, from time to time, to any duty
...his compensation is so continued.

...is the first sentence of section 14 of article
...of 1846, with amendment. The sentence relating
...of the same provision contained in section 13
...constitution of 1846. The provisions relating to
...the duty in the supreme court after the expiration

...shall have the power of impeachment, by a
...members elected. The court for the trial of
...composed of the President of the Senate, the
...of them, and the Judges of the Court of

and their successors shall be chosen at the general election in that year.

[Section 1 of article IV of the amended constitution of 1846, amended by changing the term of office of the governor and lieutenant-governor from three to two years.]

§ 2. No person shall be eligible to the office of Governor or Lieutenant-Governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years next preceding his election a resident of this State.

[Section 2 of article IV of the amended constitution of 1846, without change.]

§ 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature at its next annual session shall forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

[Section 3 of article IV of the amended constitution of 1846, without change.]

§ 4. The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to *it* as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

[Section 4 of article IV of the amended constitution of 1846, amended by a change of the word "them" to "it," referring to the legislature, in the fourth sentence.]

§ 5. The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

[Section 5 of article IV of the amended constitution of 1846, without change.]

...shall receive
...by law, which shall not
...official terms, except as pro
...No person shall hold the office of
...until and including the last
...be seventy years of age. No
...first day of January, one thousand
...shall be entitled to receive any com-
...of December next after he shall be
...compensation of every Judge of the
...of the Supreme Court elected prior to
...and eight hundred and ninety-four,
...whose present term of office shall be,
...have served as such Judge or Justice ten
...during the remainder of the term
...any such Judge or Justice may, with his
...governor, from time to time, to any duty
...his compensation is so continued.

...is the first sentence of section 14 of article
...1846, with amendment. The sentence relating
...of the same provision contained in section 13
...constitution of 1846. The provisions relating to
...duty in the supreme court after the expiration

...shall have the power of impeachment, by a
...members elected. The court for the trial of
...composed of the President of the Senate, the
...of them, and the Judges of the Court of

...shall be made in like manner; but in such case the Chief Justice shall not be deemed to vacate his office any longer than until the expiration of his term of office as Judge. The powers and jurisdiction of the Court shall be sufficient for want of appointment or election of a Chief Justice or Associate Justice, a temporary Chief Justice or Associate Justice shall continue until and including the day next after the election at which the vacancy shall be filled.

[Section 3 of article VI of the amended constitution changed in language.]

§ 9. After the last day of December, one thousand nine hundred and ninety-five, the jurisdiction of the Court of Appeals in cases where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting a finding of fact or a verdict not directed by the law shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken, as of right, to the Appellate Division of the Supreme Court, from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions, proceedings, and from orders granting new trials or judgments, where the appellants stipulate that upon affirmance judgment shall be rendered against them. The Appellate Division of the Supreme Court may, however, allow an appeal upon any question of law, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but such restriction shall not depend upon the amount involved.

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...mentioned shall receive
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...person shall hold the office of
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...December next after he shall be
...compensation of every Judge of the
...the Supreme Court elected prior to
...and eight hundred and ninety-four,
...whose present term of office shall be,
...served as such Judge or Justice ten
...during the remainder of the term
...any such Judge or Justice may, with his
...governor, from time to time, to any duty
...his compensation is so continued.

...is the first sentence of section 14 of article
...1846, with amendment. The sentence relating
...of the same provision contained in section 13
...stitution of 1846. The provisions relating to
...duty in the supreme court after the expiration

...have the power of impeachment, by a
...members elected. The court for the trial of
...posed of the President of the Senate, the
...of them, and the Judges of the Court of

residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall, within the department to which he may be designated to perform the duties of an appellate justice, exercise any of the powers of a justice of the Supreme Court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel, but any justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the Supreme Court at its general terms and by the general terms of the Court of Common Pleas for the city and county of New York, the Superior Court of the city of New York, the Superior Court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor. [Amended by vote of People, Nov. 7, 1905.]

[Amended and adopted November 7, 1899. The appellate division is a substitute for and has the jurisdiction of the former general term. See amended constitution of 1846, article VI, sections 7 and 28, and L. 1883, chap. 329, R. S., 8th ed., p. 291.]

§ 3. No Judge or Justice shall sit in the Appellate Division or in the Court of Appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

[Section 8 of article VI of the amended constitution of 1846, amended ante.]

§ 4. The official terms of the Justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the Supreme Court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or

... mentioned shall receive
... by law, which shall not
... terms, except as pro
... shall hold the office of
... until and including the last
... be seventy years of age. No
... day of January, one thousand
... be entitled to receive any com-
... December next after he shall be
... compensation of every Judge of the
... Supreme Court elected prior to
... and eight hundred and ninety-four,
... whose present term of office shall be,
... served as such Judge or Justice ten
... during the remainder of the term
... by such Judge or Justice may, with his
... vernal, from time to time, to any duty
... compensation is so continued.

... in the first sentence of section 14 of article
... with amendment. The sentence relating
... of the same provision contained in section 13
... of 1846. The provisions relating to
... in the supreme court after the expiration

... have the power of impeachment, by a
... members elected. The court for the trial of
... of the President of the Senate, the
... of them, and the Judges of the Court of

...in actions for the recovery of money or property, or for a sum not exceeding five hundred dollars, may, hereafter enlarge or restrict the jurisdiction of such Courts, provided, however, that such power be not extended as to authorizing an action therein for a sum which the sum demanded exceeds five hundred dollars, in which any person not a resident of the county in which the action is brought is a party.

Courts of Sessions, except in the county of New York, from and after the last day of December, one thousand and ninety-five. All the jurisdiction of the County Courts, except the county of New York, shall be transferred to the County Court thereof, and all actions and proceedings in such Courts of Sessions shall be transferred to the County Courts for hearing and determination. Every County Judge shall perform such duties as may be required by law, and the County Judge of any county may hold County Courts in any other county when requested by the judge of such other county.

[Some of the provisions of this section are taken from Article VI of the amended constitution of 1846. The jurisdiction limit is now two thousand dollars instead of one thousand dollars. The provisions are abolished and their jurisdiction conferred upon the County Courts.]

§ 15. The existing Surrogates' Courts are continued. The Surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be for two years in the county of New York, where they shall continue in office for three years. Surrogates and Surrogates' Courts shall have the same powers and powers which the Surrogates and existing Surrogates' Courts had at the time of the adoption of this constitution.

...of 1846, amended.]
...shall, at their annual town
...in such manner as the Legislature
...whose term of office shall be
...in all a vacancy occurring before
...they shall hold for the residue of the
...and classification may be regulated
...and judges or justices of inferior
...may be removed for cause, after
...of being heard, by such courts as are
...Justices of the Peace and District
...in the different cities of this State in
...powers, and for such terms, respectively,
...law; all other judicial officers in cities,
...is not otherwise provided for in this
...electors of such cities, or appointed by

...amended constitution of 1846, amended.)
...of civil and criminal jurisdiction may be
...but no inferior local court hereafter
...record. The Legislature shall not here-
...or local courts of its creation, any
...greater jurisdiction in other respects than
...Courts by or under this article. Except as
...all judicial officers shall be elected or

This section contains the provisions of the amended constitution of 1840. The remainder of the section is inserted.

§ 21. The Legislature shall provide for all statutes, and shall regulate the courts; but all laws and judicial action by any person.

[Section 23 of article VI of the amended

§ 22. Justices of the Peace and other local officers for in sections seventeen and eighteen, in effect, shall hold their offices until the terms. directed

[Section 25 of article VI of the amended constitution

§ 23. Courts of Special Sessions shall have jurisdiction of offenses of the grade of misdemeanors as may be

[Section 26 of article VI of the amended constitution

ARTICLE VII

Section 1. The credit of the State shall not be given or loaned to or in aid of any individual, corporation or

[Section 9 of article VII of the amended constitution

§ 2. The State may, to meet casual deficits or for expenses not provided for, contract

ability, the claim may be preserved until the liability is removed.

[Section 14 of article VII of the amended constitution striking out certain provisions probably amended.]

§ 7. The lands of the State, now owned by the State, and the forest preserve as now fixed by law, shall be known as wild forest lands. They shall not be sold, or be taken by any corporation, public or private, and thereon be sold, removed or destroyed.

§ 8. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Seneca canal, or the Black River canal; but the property of the State and under its management, in addition to the prohibition of lease, sale or other disposition herebefore provided, shall apply to the canal known as the Main and Buffalo canals, situated in the city of Buffalo, and which extend from the westerly line of Main street to the westerly line of Buffalo street. All funds that may be derived from any lease or other disposition of any canal shall be applied to the improvement or repair of the remaining portions of the canal.

[Section 6 of article VII of the amended constitution amended.]

§ 9. No tolls shall hereafter be imposed on boats transported on the canals, but all boats navigating the canals, the owners and masters thereof, shall be subject to the regulations as have been or may hereafter be established for the navigation of the canals. The Legislature shall have power to impose a reasonable tax, to be levied on boats, and to make reasonable regulations and repairs of the canals. All contracts for work on the canals shall be made with the persons who shall be able to provide the same at the lowest price, with adequate security for performance. No extra compensation shall be paid to any contractor; but, if, from any unforeseen cause, the tax

...authorized by law for the
...highways shall be determined
...provide for the equitable appor-
... The aggregate of the debts
...not at any one time exceed the sum of
...payment of the annual interest on
...a sinking fund of at least two per
...the principal at maturity shall be
...force and effect shall not be dimin-
...any debt created thereunder. The leg-
...require the county or town or both to
...proportionate part of the cost of any
...boundaries of such county or town and the
...interest thereon, but no county shall at any
...required to pay more than thirty-five hun-
...highway, and no town more than fifteen
...provisions of the fourth section of this
...for the improvement of highways hereby
...vote of People. Nov. 7, 1905.]

ARTICLE VIII

...may be formed under general laws; but
...special act, except for municipal purposes, and
...of the Legislature, the objects of the
...attained under general laws. All general

The lands of the State, now owned by the State, and hereafter acquired, shall be held as forest lands. They shall not be sold, leased, or otherwise disposed of, except as provided by law. No lands shall be taken by any corporation, public or private, for any purpose, except as provided by law. No lands shall be sold, removed or destroyed.

§ 8. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Seneca canal, or the Black River canal; but the property of the State and under its management, and the disposition of lease, sale or other disposition hereof, shall apply to the canal known as the Main and Black River canal, situated in the city of Buffalo, and which extends from the westerly line of Main street to the westerly line of Black River. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, maintenance or repair of the remaining portions of the canal.

[Section 8 of article VII of the amended constitution of 1894]

§ 9. No tolls shall hereafter be imposed on boats or other vessels transported on the canals, but all boats navigating the canals, and the owners and masters thereof, shall be subject to the regulations as have been or may hereafter be established for the navigation of the canals. The Legislature shall, from time to time, make provision for the expenses of the canals and repairs of the canals. All contracts for the construction of the canals shall be made with the persons who shall be able to provide the same at the lowest price, with adequate security for performance. No extra compensation shall be paid to any contractor; but, if, from any unforeseen cause, the cost of the

...shall be authorized by law for the
...highways shall be determined
...provide for the equitable appor-
... The aggregate of the debts
...at any one time exceed the sum of
...of the annual interest on
...sinking fund of at least two per
...the principal at maturity shall be
...force and effect shall not be dimin-
...any debt created thereunder. The leg-
...require the county or town or both to
...proportionate part of the cost of any
...of such county or town and the
...interest thereon, but no county shall at any
...required to pay more than thirty-five hun-
...highway, and no town more than fifteen
...provisions of the fourth section of this
...for the improvement of highways hereby
...vote of People. Nov. 7, 1905.]

ARTICLE VIII

...may be formed under general laws; but
...act, except for municipal purposes, and
...of the Legislature, the objects of the
...obtained under general laws. All general

of such corporation; and no director or officer of such corporation shall be interested in any property of such bank or institution; and no such corporation shall have no power to pass any bill for banking purposes; but corporations, associations or individuals may pass bills for such purposes under general laws.

[Section 4 of article VIII of the amended constitution]

§ 5. The Legislature shall have no power to issue bills in any manner, directly or indirectly, for the payment, by any person, association or corporation, of notes of any description.

[Section 5 of article VIII of the amended constitution]

§ 6. The Legislature shall provide by law for the issue of bills or notes, issued or put in circulation as legal tender, with ample security for the redemption of the same.

[Section 7 of article VIII of the amended constitution]

§ 7. The stockholders of every corporation or association for banking purposes, shall be individually liable for the amount of their respective share or shares in such corporation or association, for all its debts and liabilities of every kind.

[Section 7 of article VIII of the amended constitution]
(See Barnes v. Arnold, 23 Misc. Rep. 197.) (1906.)

§ 8. In case of the insolvency of any bank or institution, the billholders thereof shall be entitled to prefer their claims over all other creditors of such bank or institution.

[Section 8 of article VIII of the amended constitution]

... shall be absolutely void. No county or city whose present assessed valuation of the assessed valuation of the county shall be allowed to become indebted for the purpose of such bonds shall be reduced within five years after the date of the issue of such bonds. It shall be construed to prevent the issuing of revenue bonds issued in anticipation of such bonds actually contained, or to be contained in such certificates or revenue bonds, which shall be paid out of such taxes. Nor shall this section apply to the issue of bonds to provide for the redemption of the bonds issued to provide the sinking fund of the said bonds for their redemption, which will produce an amount equal to the principal and interest of said bonds at their maturity. This section shall not apply to revenue bonds issued in anticipation of such bonds, which are not retired within five years after the date of the issue of such bonds issued to provide for the supply of water, or for the payment of debt incurred by any portion or part of such debt, shall be included in ascertaining the amount of the debt to become otherwise indebted; except that debts incurred in New York after the first day of January, 1917, for the purpose of providing for the supply of water shall not be included. Whenever the boundaries of any city are the subject of a change, or when any city shall include within its territory any territory of the county, the power of any county wholly to become indebted shall cease, but the

...shall be confined, and the
...All institutions for the
...and treatment of the insane (not
...or idiots); a state commission of
...all institutions used for the
...or convicted of crime, or detained in

[New.]

§ 13. The members of the said board and
shall be appointed by the Governor, by
consent of the Senate; and any member
by the Governor for cause, an opportunity
be heard in his defense.

[New.]

§ 18. Existing laws relating to institutions
going sections and to their supervision and
such laws are not inconsistent with the provisions
shall remain in force until amended or repealed.
The visitation and inspection herein provided
sive of other visitation and inspection now authorized

[New.]

§ 14. Nothing in this Constitution contained
Legislature from making such provision and
the deaf and dumb, and juvenile delinquents,
proper; or prevent any county, city, town or village
for the care, support, maintenance and secular education
of orphan asylums, homes for dependent children,
institutions, whether under public or private control

...the thousand dollars
of The Regents of the University of the State of New York. It shall be
which may be increased, modified
shall be exercised by not less than

...common school fund, the capital of the
of the United States deposit fund,
inviolable. The revenue of the said
be applied to the support of the common
the literature fund shall be applied to the
and the sum of twenty-five thousand dollars
United States deposit fund shall each year be
part of the capital of the said common

...the amended constitution of 1846, without change.]
...nor any subdivision thereof, shall use its
public money, or authorize or permit either
indirectly, in aid or maintenance, other than
of any school or institution of learn-
under the control or direction of any religious
which any denominational tenet or doctrine is

§ 2. All county officers whose offices are provided for by this Constitution, shall be elected in their respective counties or appointed by the county authority, as the Legislature shall direct. Village officers, whose election or appointment by this Constitution, shall be elected by the people of the village, or of some division thereof, or appointed therefor, as the Legislature shall direct. All other officers, whose election or appointment by this Constitution, and all officers, whose offices are provided by law, shall be elected by the people, unless the Legislature may direct.

[Section 2 of article X of the amended constitution of 1892.]

§ 3. When the duration of any office is not provided by this Constitution it may be declared by law, and if not so declared shall be held during the pleasure of the appointing authority.

[Section 3 of article X of the amended constitution of 1892.]

§ 4. The time of electing all officers named in this Constitution shall be prescribed by law.

[Section 4 of article X of the amended constitution of 1892.]

§ 5. The Legislature shall provide for filling vacancies in offices, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment until the commencement of the political year next succeeding the election after the happening of the vacancy.

[Section 5 of article X of the amended constitution of 1892.]

...constitution of 1846, without change.)

...citizens between the ages of
...are residents of the State, shall
...however, to such exemptions as are
...by the laws of the United States,

...amended constitution of 1846, amended.]

...provide for the enlistment into the active
...may make application to be so enlisted.
...in the amended constitution of 1846, although
...therein.]

...organized and divided into such land and
...force forces as the Legislature may deem
...that there shall be maintained at all times
...thousand enlisted men, fully uniformed,
...and ready for active service. And it
...Legislature at each session to make sufficient
...maintenance thereof.

...shall appoint the chiefs of the several staff
...camp and military secretary, all of whom
...his pleasure, their commissions to expire with
...Governor shall have been elected; he shall

Section 1. It shall be the duty of the Legislature to provide for the organization of cities and incorporated towns, and to confer upon them the power of taxation, assessment, borrowing money, and loaning their credit, so as to prevent the same from contracting debt by such municipal corporations, and to regulate the labor they regulate and fix the wages or salaries of labor, and make provision for the protection of persons employed by the state or by any department or other civil division of the state, or by any contractor performing work, labor or services for the county, city, town, village or other civil division thereof, by vote of People, Nov. 7, 1905.]

[Section 9 of article VIII of the amended constitution is hereby amended to read as follows: change.]

§ 2. All cities are classified according to the population, as from time to time made, as follows: The first class, all cities having a population of two hundred and fifty and more; the second class, all cities having a population of one hundred and fifty and less than two hundred and fifty; the third class, all other cities. Laws relating to the property, the police, and the several departments thereof, are general city laws; and special city laws; general city laws are those which apply to the cities of one or more classes; special city laws relate to a single city, or to less than all the cities of one class; city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law has been passed by both branches of the Legislature, the bill which it originated shall immediately transmit

...four or article seven, or
...Adopted by vote of

...supervisors and judicial
...city or part of a city,
...New York and Kings,
...as those of a city,
...the Tuesday succeeding the
...year, and the term of
...the end of an odd-numbered year.
...elected before the first day of
...and ninety-five, whose succes-
...which under existing laws would
...or in an odd-numbered year and
...to and including the last day of
...time when such terms would otherwise
...such officers, which under existing
...numbered year, and before the end
...pire at the end of the preceding year.
...to any city of the third class, or to elec-
...except judges and justices of inferior

ARTICLE XIII

...the Legislature, and all officers executive
...inferior officers as shall be by law exempted
...the duties of their respective offices, take
...oath or affirmation: "I do solemnly

...to the offense of bribery.

[Section 1 of article XV of the amended constitution]

§ 3. Any person who shall offer or promise a bribe, or shall be received, shall be deemed guilty of a felony, and shall be punished by imprisonment in the State Prison, except as herein provided. Any person who shall, upon any prosecution of the offense herein provided, be privileged from testifying in relation thereto, shall be liable to civil or criminal prosecution therefor, for the giving or offering of such bribe. Any person who shall promise a bribe, if it be rejected by the officer, shall be deemed guilty of an attempt to bribe, and shall be declared to be a felony.

[Section 2 of article XV of the amended constitution]

§ 4. Any person charged with receiving a bribe, or promising a bribe, shall be permitted to testify in any civil or criminal prosecution therefor.

[Section 3 of article XV of the amended constitution]

§ 5. No public officer, or person elected or appointed to office, under the laws of this State, shall directly or indirectly demand, accept, receive or consent to receive any benefit, or for the use or benefit of another, any transportation, franking privilege or discrimination in telegraph or telephone rates, from any person or corporation, who violates any provision of this section, shall be deemed a misdemeanor, and shall forfeit his office at the discretion of the General Assembly. Any corporation, or officer or agent thereof,

... amendments to this Constitution shall be entered on the records of the Legislature so next chosen, as aforesaid, and if the same shall be agreed to by a majority of the members elected to each of the two houses, then it shall be referred to the people at the next general election of senators, and the Legislature so next chosen, as aforesaid, shall submit such proposed amendment or amendments in such manner and at such time as shall be prescribed by law; and if the people shall approve of such amendment or amendments by a majority vote, such amendment or amendments shall be valid and binding on the State from and after the first day of January next following the day of their approval.

[Section of the amended constitution of 1846, amended.]

... election to be held in the year one thousand nine hundred and twenty, and every twentieth year thereafter, and also at such other times as the Legislature may by law provide, the question of the amendment of the Constitution and amend the same shall be submitted to the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention, the electors of every senate district of the State shall elect three delegates at the next ensuing general election, and the members of the Assembly shall elect three members of the State voting at the same election shall constitute a convention at-large. The delegates so elected shall con-

[The part of this section relating to the
substantially the same as section 2 of article
1843. The remainder of the section is new.]

§ 3. Any amendment proposed by a
ing to the same subject as an amendment
coincidentally submitted to the people for
tion held in the year one thousand eight
at any subsequent election, shall, if approved,
the amendment so proposed by the legislature.

[New.]

ARTICLE XV

Section 1. This Constitution shall be in full
the first day of January, one thousand eight
except as herein otherwise provided.

Done in Convention at the Capitol in the
twenty-ninth day of September, in the year one
dred and ninety-four, and of the Independence
of America the one hundred and nineteenth.

In witness whereof, we have hereunto subscri

JOSEPH HICKS
President and

CHARLES ELLIOTT FITCH,
Secretary.

... art. III, 12.
... III, 3.
... III, 4.
... III, 5.

... 6.
... 7.
... 8.
... 9.
... 10, amended.
... 11:
... 12.
... 13.
... 14.
... 15, amended.
... 16.
... 17.
... 18, amended in language.
... 19.

... I, 9.
... VII, 8.

New.
Art. III, 25.
III, 20.
III, 21.
III, 22.
III, 23.
III, 24.

New.
Art. IV, 1, amended.
IV, 2.
IV, 3.
IV, 4.
IV, 5.
IV, 6.
IV, 7, amended.
IV, 8.
IV, 9.
V, 1, amended.

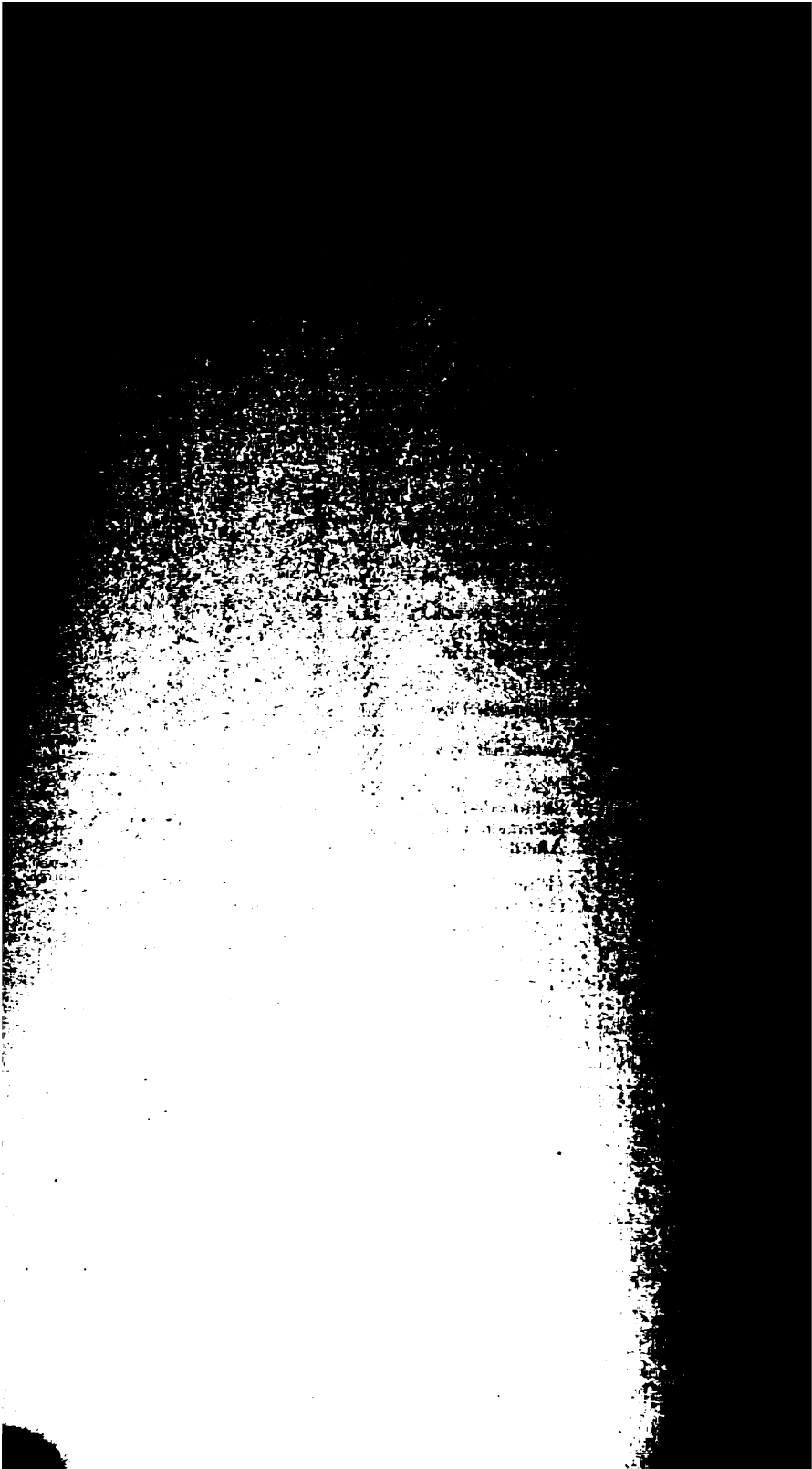
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VI	16	Art.	VI
VI	17		VII
VI	18		VII
VI	19		VII
VI	20	Partly new,	
VI	21	Art.	VI
VI	22		VI
VI	23		VI
VII	1		VII
VII	2		VII
VII	3		VII
VII	4		VII
VII	5		VII
VII	6		VII
VII	7	New.	
VII	8	Art.	VII
VII	9		VII
VII	10	New.	
VIII	1	Art.	VIII
VIII	2		VIII
VIII	3		VIII
VIII	4		VIII
VIII	5		VIII
VIII	6		VIII
VIII	7		VIII
VIII	8		VIII
VIII	9		VIII
VIII	10		VIII
VIII	11-15	New.	
IX	1	New.	
IX	2	New.	
IX	3	Art.	IX
IX	4	New.	
X	1	Art.	X
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16, amended.
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III,	14.

VI	1	Amended by	VI
VI	2	Amended by	VI
VI	3	Amended by	VI
VI	4	(Causes retained in	VI
		rogated.	
VI	5	(Commitment of	VI
VI	6	Superseded by Art.	VI
VI	7	"	VI
VI	8	Amended by	VI
VI	9	"	VI
VI	10	Re-enacted in	VI
VI	11	Amended by	VI
VI	13	Superseded by Art. VI	
VI	12	(City courts) repealed	VI
VI	14	"	VI
VI	15	Amended by	VI
VI	16	"	VI
VI	17	(Question of election of	VI
		Abrogated.	
VI	18	Amended by Art. VI, § 10	
VI	19	"	VI, § 10
VI	20	"	VI, § 10
VI	21	Superseded by	VI, § 10
VI	22	"	VI, § 10
VI	23	Amended by	VI, § 10
VI	24	(First election of judges.)	VI, § 10
VI	25	Amended by Art. VI, § 10	
VI	26	Re-enacted in	VI, § 10
VII	1	(Canal debt, etc.)	Abrogated
VII	2	(General fund debt, etc.)	Abrogated
VII	3	Amended by Art. VII, § 2	
VII	4	(Loans to incorporated com	
VII	5	(Provisions for payment of	
VII	6	Re-enacted in Art. VII, § 2	
VII	7	(Salt springs.)	Abrogated



our right trusty and well beloved counsellor
our high chancellor of England
our master of our horse and captain
our right trusty and well beloved William
our right trusty and well beloved
our chancellor of our exchequer, Sir
our vice chamberlain of our house-
our beloved Sir William Berkley, knight,
and baronet, being excited with a
the propagation of the Christian faith,
our empire and dominions, have humbly
our industry and charge, to transport and
our subjects, natives of our kingdom of
our dominions, unto a certain country
our parts of America not yet cultivated or
our by some barbarous people, who have no
our God.

Edward Earl of Clarendon, George Duke
Lord Craven, John Lord Berkley, Anthony
Carteret, Sir William Berkley, and Sir John
brought us to give, grant and confirm unto
our said country, with priviledges and juris-
our good government and safety thereof: Know

North Carolina, Edited by William L. Saunders,
P. M. Hale, Printer to the State. pp. 20-33.

attorney-general to Charles I, and Bancroft says:
in 1639, permanent plantations were planned and
design," but the patent was declared void in 1663,
which it had been granted had never been fulfilled.
Heath, p. 69.

ye, therefore, that we, favouring the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, of our special grace, certain knowledge and meer motion, have given, granted and confirmed, and by this our present charter, for us, our heirs and successors, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, all that territory or tract of ground, scituate, lying and being within our dominions of America, extending from the north end of the island called Lucke island, which lieth in the southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the river St. Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid; together with all and singular ports, harbours, bays, rivers, isles and islets belonging to the country aforesaid; and also all the soil, lands, fields, woods, mountains, fields, lakes, rivers, bays and islets, scituate or being within the bounds or limits aforesaid, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the sea, bays, islets and rivers within the premises, and the fish therein taken; and moreover all veins, mines, quarries, as well discovered as not discovered, of gold, silver, gems, precious stones, and all other whatsoever, be it of stones, metals, or any other thing whatsoever, found or to be found within the countries, isles and limits aforesaid.

3d. And furthermore, the patronage and advowsons of all the churches and chappels, which as Christian religion shall increase within the country, isles, islets and limits aforesaid, shall happen hereafter to be erected, together with license and power to build and found churches, chappels and oratories, in convenient and fit places, within the said bounds and limits, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England, together with all and singular the like, and as ample rights, jurisdictions, priviledges, prerogatives, royalties, liberties, immunities and franchises of what kind soever, within the countries, isles, islets and limits aforesaid.

4th. To have, use, exercise and enjoy, and in as ample manner as any bishop of Durham in our kingdom of England, ever heretofore have held, used or enjoyed, or of right ought or could have, use, or enjoy. And them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, we do by these presents, for us, our heirs and successors, make, create and constitute the true and absolute Lords Proprietors of the country aforesaid, and of all other the premises; saving always the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, and saving also the right, title and interest of all and every our subjects of the English nation, which are now planted within the limits and bounds aforesaid (if any be). To have, hold, possess and enjoy the said country, isles, islets, and all and singular other the premises, to them

the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns forever, to be holden of us, our heirs and successors, as of our manner of East Greenwich in our county of Kent, in free and common soccage, and not in capite, or by knight service; yielding and paying yearly to us, our heirs and successors, for the same, the yearly rent of twenty marks of lawful money of England, at the feast of All Saints, yearly forever, the first payment thereof to begin and to be made on the feast of All Saints, which shall be in the year of our Lord one thousand six hundred and sixty-five, and also the fourth part of all gold or silver ore, which, within the limits aforesaid, shall from time to time happen to be found.

5th. And that the country, thus by us granted and described, may be dignified by us with as large titles and privileges as any other part of our dominions and territories in that region, Know ye, that we of our further grace, certain knowledge, and meer motion, have thought fit to erect the same tract of ground, county, and island, into a province, and out of the fulness of our royal power and prerogative, we do, for us, our heirs and successors, erect, incorporate and ordain the same into a province, and call it the Province of Carolina, and so from henceforth will have it called; and forasmuch as we have hereby made and ordained the aforesaid Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, the true lords and proprietors of all the province aforesaid; Know ye, therefore moreover that we, reposing especial trust and confidence in their fidelity, wisdom, justice and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, for the good and happy government of the said province, to ordain, make, enact, and under their seals to publish any laws whatsoever, either appertaining to the publick state of the said province, or to the private utility of particular persons, according to their best discretion, of and with the advice, assent and approbation of the freemen of the said province, or of the greater part of them, or of their delegates or deputies, whom for enacting of the said laws, when and as often as need shall require, we will that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, shall from time to time assemble in such manner and form as to them shall seem best, and the same laws duly to execute upon all people within the said province and limits thereof, for the time being, or which shall be constituted under the power and government of them or any of them, either sailing towards the said province of Carolina, or returning from thence towards England, or any other of our, or foreign dominions, by imposition of penalties, imprisonment or any other punishment; yea, if it shall be needfull, and the quality of the offence requires it, by taking away member and life, either by them, the said Edward Earl of Clarendon, George Duke

that all the laws people of us, our heirs and assigns, in the province of Carolina, do observe and use in these parts, so far as they concern the civil rights therein expressed, or to be expressed, that the said laws be consonant to reason, justice, and equity, agreeable to the laws and customs of England.

6th. And because such assemblies of freemen are frequently called, as there may be occasion to give and grant, therefore, by these presents, give and grant unto the Earl of Clarendon, George Duke of Albemarle, John Lord Berkley, Anthony Lord Ashley, Sir William Berkley, and Sir John Colleton, their heirs, themselves or their magistrates, in that behalf, full power and authority from time to time to make and wholesome orders and ordinances, within the said province, to be kept and observed as well for the keeping of the better government of the people there abiding, as the same to all to whom it may concern; which orders these presents streightly charge and command to be observed within the said province, under the penalties so as such ordinances be reasonable, and not repugnant, but as near as may be, agreeable to the laws and customs of the kingdom of England, and so as the same ordinances be not to the binding, charging, or taking away of the freehold of any person or persons, in their freehold, goods or estate.

7th. And to the end the said province may be better governed, by the multitude of people resorting thither, and to be the more strongly defended from the incursions of the Indians, and other enemies, pirates and robbers, therefore, we

...of the said province, and of the
...also quietly, have power
...within the same, without the leave
...presence of us, our heirs and successors,
...provision to the contrary notwithstanding.

...our subjects of this our said kingdom
...may be the rather encouraged
...with ready and chearful minds, know ye,
...certain knowledge and meer motion, do
...presents, as well to the said Edward
...Duke of Albemarle, William Lord Craven,
...Lord Ashley, Sir George Carteret, Sir
...John Colleton, and their heirs, as unto all
...to time repair unto the said province, with
...or to trade with the natives of the said
...license to lade and freight in any port
...and successors, and into the said province
...our servants or assigns, to transport all and
...and merchandises, as likewise all sorts of
...any other things whatsoever, necessary for the
...prohibited by the laws and statutes of our
...to be carried out of the same, without any
...our heirs and successors, or of any other of
...whatsoever, saving also to us, our heirs and
...and other duties and payments, due for
...merchandises, according to the several rates
...since the same shall be transported. We will
...presents, for us, our heirs and successors, do
...by this our charter, unto the said Edward
...Duke of Albemarle, William Lord Craven,

...and that the said ...
...in any way changed ...
...for the consideration ...
...knowledge, and meer ...
...for us, our heirs and ...
...the said Edward Earl of ...
...William Lord Craven, John ...
...Ashley, Sir George Carteret, Sir William ...
...Colleton, their heirs and assigns, full and ...
...authority, at any time or times, from and ...
...Michael the archangel, which shall be in the year ...
...one thousand six hundred sixty and seven, ...
...being into any of our dominions from the ...
...or any part thereof, the several goods and things ...
...mentioned, that is to say, silks, wines, currants, ...
...almonds, oyl and olives, without paying of ...
...heirs or successors, any custom, import, or ...
...respect thereof, for and during the term and ...
...commence and be accompted, from and after ...
...four tons of any the said goods, in any one ...
...from the said province, into any of our dominions ...
...and carry out of any of our dominions, into the ...
...Carolina, custom free, all sorts of tools which ...
...necessary for the planters there, in the accompaniment ...
...ment of the premises, any thing before, in ...
...tained, or any law, act, statute, prohibition or other ...
...thing heretofore had, made, enacted or provided, ...
...had, made, enacted or provided, to the contrary ...
...withstanding.

10th. And furthermore, of our own ample and ...
...tain knowledge, and meer motion, we do for us, ...
...cessors, grant unto the said Edward Earl of ...
...of Albemarle, William Lord Craven, John Lord ...
...Lord Ashley, Sir George Carteret, Sir William ...
...John Colleton, their heirs and assigns, full and ...
...authority, to make, erect and constitute, within the

...the said Edward Earl of Albemarle, William Lord Craven, John Lord Ashley, Sir George Carteret, Sir William Colleton, their heirs and assigns, full and sole authority, at any time or times, from and after the first day of Michael the archangel, which shall be in the year one thousand six hundred sixty and seven, to bring into any of our dominions from the said province or any part thereof, the several goods and things mentioned, that is to say, silks, wines, currants, almonds, oyl and olives, without paying or tendering, their heirs or successors, any custom, import, or duty in respect thereof, for and during the term and years to commence and be accompted, from and after the said four tons of any the said goods, in any one year from the said province, into any of our dominions, and carry out of any of our dominions, into the said Carolina, custom free, all sorts of tools which may be necessary for the planters there, in the accomplishment of the premises, any thing before, in any manner obtained, or any law, act, statute, prohibition or other thing heretofore had, made, enacted or provided, or to be had, made, enacted or provided, to the contrary notwithstanding.

10th. And furthermore, of our own ample and certain knowledge, and meer motion, we do for us, our heirs and successors, grant unto the said Edward Earl of Albemarle, William Lord Craven, John Lord Ashley, Sir George Carteret, Sir William Colleton, their heirs and assigns, full and sole authority, to make, erect and constatute, within the

And because many persons have
desired for their debts and services
marks of honour and favour, which
cannot be conveniently conferred by us
and we do by these presents give
Edward Earl of Clarendon, George Duke
of Devon, John Lord Berkley, Anthony
Carteret, Sir William Berkley, and Sir John
Colleton, full power and authority, to give and
grant unto such of the inhabitants of the said province, as
shall merit the same, such marks of favour and
honour, as they shall think fit, so as these titles of honour
be not enjoyed by, or conferred upon any the subjects of
England.

14th. And further also, we do by these presents
and successors, give and grant license to them, the
said Edward Earl of Clarendon, George Duke of Albemarle, William
John Lord Berkley, Anthony Lord Ashley, Sir
William Berkley, and Sir John Colleton, their heirs,
power, liberty and license to erect, raise and build
in the said province and places aforesaid, or any part or parts
thereof, so many forts, fortresses, castles, cities, burroughs,
and other fortifications whatsoever, and the same or any
of them to furnish with ordinance, powder, shot, arms
and weapons, ammunition, habilements of war, both offensive
and defensive, as shall be thought fit and convenient for the
service of the said province and places, or any part thereof,
and also to repair, disfurnish, demolish and pull down, and also to place
and appoint in and over all or any of the castles, forts, and

...country, and scituate among
...invasions as well of salvages as
...may probably be feared; there-
...our heirs and successors, do give
...the said Edward, Earl of Clarendon,
...William Lord Craven, John Lord Berkley,
...George Carteret, Sir William Berkley,
...heirs and assigns, by themselves, or their
...to levy, muster and train all sorts of
...wheresoever born, in the said province for
...war and pursue the enemies aforesaid, as
...even without the limits of the said prov-
...to vanquish and take them, and being
...by the law of war, or to save them at their
...and every other thing, which unto the charge
...an army belongeth, or hath accustomed to
...ly as any captain general of an army hath or
...nd pleasure is, and by this our charter we give
...Earl of Clarendon, George Duke of Albemarle,
...John Lord Berkley, Anthony Lord Ashley, Sir
...William Berkley, and Sir John Colleton, their
...power, liberty and authority, in case of rebel-
... (if any should happen,) which God forbid,
...within the province aforesaid, or upon the main
... thither, or returning from thence, by him or

...of the said William Berkeley, ...
...of any other gifts and ...
...to them the said Edward ...
...Albemarle, William Lord Craven, ...
...and Ashley, Sir George Carteret, Sir ...
...Collinson, or any other person or per- ...
...let, ordinance, provision, proclama- ...
...had, made, published, ordained or pro- ...
...or matter, whatsoever, to the con- ...
...withstanding.

...minister, the four and twentieth day of ...
...of our reign, (1663.)
PER IPSUM REGEM.

**PROPOSALS OF THE LORD PROPRIETOR OF ...
... AUG. 25-SEPT. 4, 1663 •**

25 AUG., 1663.

...graciously pleased, by his charter bearing ...
...in the 15th year of his reign, out of a pious ...
...the propagation of the Christian faith amongst ...
...gent Indians, the enlargement of his empire ...
...teaching of his subjects, to grant and confirm ...
...of Clarendon, high chancellor of England, ...
...Charles, master of his majesty's horse and captain- ...
...William, Lord Craven, John, Lord Berkeley,

Records of North Carolina, Edited by William C. ...
Vol. I, pp. 43-46.

That the first colony may have power to
assign to fortify the entrance of the river
Island; they engaging to its true and lawful
heirs and successors, by some oath or solemn
binding.

3. That the undertakers of that settlement
of them repair thither to settle, present to us
that intend to go, of which number we shall
Governor, for three years from the date of his
more of the thirteen to be of his council, that
number, the Governor or his deputy to be
time aforesaid; and will also nominate successors
who shall be of the six councillors aforesaid, to
ment, in case of death or removal; and likewise
remaining six of the thirteen to succeed in case
of any of the councillors, and after the expiration
years, and so successively for every three years. On
25th day of March, before the expiration of the
in, being a new presentment by the freeholders
such persons as they shall constitute, to be made
sons, four of which shall consist of those that shall
ment at the time of the election of the thirteen, on
upon or before the 10th day of April following
missionate a Governor and six councillors with their
cessors in case and manner as aforesaid.

4. We shall, as far as our charter permits us,
part of the freeholders, or their deputies or

...the said undertaker for his own head, one
...and his heirs forever, to be held in free
...every man-servant that he shall bring
...bear arms, armed with a good firelock
...bullets to the pound, and with twenty
...pounds of bullets, fifty acres of land;
...thirty acres; and to every man-servant
...ten acres after the expiration of his
...servant six acres after the expiration of

...hereby to be obliged to give the pro-
...mentioned to masters and servants, longer
...to commence at the beginning of the first

...Governor and council to take care that there
...and provided as aforesaid in the colony,
...we shall grant, and that there be a sup-
...in case of death or quitting the colony
...within twelve months after giving notice

...the premises, we do expect by way of acknowl-
...the charge we have been and shall be at, one
...that shall be granted as aforesaid, within
...and expressed; and that the court-houses
...meetings be erected by the public moneys of
...taken up by us; but to be and continue to the
...they paying some small acknowledgement.
...this twenty-fifth day of August, Anno

...the Countyes before exprest at any
...punished disquieted or called in
...opinion or practice in matters of reli-
...actually disturbe the civill peace of
...byt that all and every such person and
...all times freely and fully have and
...ents and contiences in matt^{rs} of religion
...since they behaving themselves peaceably
...this Liberty to Lycentiousness nor to the
...disturbance of others, any Law statute or
...counteyned usage or custom of this realme
...hereof in anywise notwithstanding.
...may be taken by us our heries or assignes
...right of patronage and pow^r of advowson
...Maj^{ties} Letters pattents aforesaid to in-
...of Liberty of Contience aforesaid
...into the Gen^l assemblies of y^e sevⁿ Countyes
...and appoint such and soe many Ministers
...all thinke fitt, and to establish their main-
...besides to any person or persons to keepe
...ors or Ministers they please.
...habitants being freemen or chiefe agents to
...shures^d doe as soone as this our Comission shall
...fitt in our names by the Governour to be for y^e

...the power of the
...in the year
...of the Government
...the Assembly are to have
...to appoint their own
...from time to time to such
...Convention as also to ascertain
...vided that such members be not less than
...whome or more shalbe y^e full power of the

F. Item To enact and make all such
as shalbe necessary for the well Govern
they shalbe chosen and them to repeale
consonant to reason and as near as they
able to the Lawes and Customes of his
provided alsoe that they be not against
Propryators our heires or assignes nor any
cessions Espetially that they be not against
of Contience abovementenõed, which Lawes
publication from the Governour and Council
and our Gen^l Assembly) and be in force for
and a halfe and noe more; Unless contrarie
pryators within which time they are to be
&c, for our ratification and being confirmed
tinuall force till expired by their owne
Repeale in like manner as afores^d to be passed

8. Item by act as afores^d to constitute all Count
Countyes, together wth y^e Lymitts powers and
Courts as also y^e severall offices & Number of
each of the s^d respective Courts together wth
respective salleryes fees and perquisites Th
dignities with the penalltyes that shalbe due
their severall and respective dutyes and Trusts

4. Item by act as afores^d to ley equall taxes
to rayse Moneyes or goods upon all Lands (exc
the Lords Propryators before setling) or perso
precincts Hundreds Parishes Manõrs or what
shall hereafter be made and established in y^e s^d
necessity shall require and in such manner as
most equall and easye for y^e s^d Inhabitants in

... and Companies
... safety and defence of
... of the Forts Castles Cities &c to
... So make warr offensive and
... and Foraigners as they shall see
... sea as well as by land if need be
... of our of y^e s^t County with the perticcu-
... under the Conduct of our Leut: Gen:
... whom he shall appoint.
... give unto all strangers as to them shall
... and all such freedoms and priveledges
... his Maj^{ty} subjects doe of right belong
... as afores^d w^{ch} said strangers see natural-
... alsoe have the same Imunities from Cus-
... to us and by us to y^e said Countyes
... any other Customes then the rest of his
... ties are but be in all respects accompted
... es aforesaid as the King's naturall
... to prescribe y^e quantities of land which
... allotted to eavery free or Sarv^t male or
... ordaine Rules for the casting of Lotts for
... same provided y^t these doe not their said
... proportions which are hereby graunted

... shall require.

2. Item according to the constitution to nominate and commissionate the Justices of Courts whether Magistrall or civill officers as Justices Coroners &c the Priviledges to revoke at pleasure provided but such as are freeholders in the County shall require;

3. Item according to the constitution to appoint Courts and officers in Cases Crimall to inflict penaltyes upon offenders against the force in y^e said Countyes as y^e said Lawes doth fine Imprisonment Banishm^t corporall punishment of member of or Life itselfe if there be cause;

4. Item to place officers and soldiers for the defence of the Forts Castles Cittyes &c according to the Gen^l Assembly to nominate place and military officers under y^e dignity of y^e Leut: Gen^l by us, over the sev^l trayned bands and Companies Gen^l Assembly as Collonels Capts: &c and to revoke at pleasure, y^e Leut: Gen: with the sword unless some present danger will soe permit him and trayne all y^e soldiers wthin the said County to cutte warr persue an Enemy suppress rebellion well by sea as Land and to exercise the whole Militour Letters pattents from the kinge wee can imple to doe Provided y^t they appoint noe Military officers holders in the s^d Countyes unless y^e Gen^l Assembly;

5. Item where they see cause after condemnation the Case may be presented with a Coppy of y^e writings and proofes to y^e Lords who will according to comand execution of y^e sentence on the offender

... shall enjoy all the same Immunities from
... goods from these Realmes of Eng-
... hath been graciously pleased to graunt
... of the Manufact^{rs} of wine silke
... &c. menconed in the pattent have prive-
... Custome free into any of his Maj^{ties} domin-
... upon y^e same tearmes as we ourselves may

CHARTER OF CAROLINA—1665 *

... by the grace of God, of Great Britain, France
... of the Faith, &c. WHEREAS, by our
... date the twenty-fourth day of March, in the

... Carolina Colonial Records, pp. 102-114.
... of the Concessions relate to the distribution of land,

fifteenth year of our reign, We were graciously pleased to grant unto our right trusty and right well-beloved Cousin and Counsellor Edward Earl of Clarendon, our High Chancellor of England; our right trusty and entirely beloved Cousin and Counsellor George Duke of Albemarle, Master of our Horse; our right trusty and well-beloved William now Earl of Craven; our right trusty and well-beloved Counsellor John Lord Berkeley; our right trusty and well-beloved Counsellor Anthony Lord Ashley, Chancellor of our Exchequer; our right trusty and well-beloved Counsellor Sir George Carteret, Knight and Baronet, Vice-Chancellor of our Household; our right trusty and well-beloved Sir John Colleton, Knight and Baronet; and Sir William Berkeley, Knight; all that province, territory, or tract of ground, called Carolina, situate, lying and being within our dominions of America; extending from the north end of the island called Luke-Island, which lieth in the Southern Virginia seas, and within thirty-six degrees of north latitude; and to the west, as far as the South-Seas; and so respectively as far as the river of Matthias, which bordereth upon the coast of Florida, and within thirty-one degrees of north latitude; and so west, in a direct line, as far as the South-Seas aforesaid.

Now Know ye, That We, at the humble request of the said grantees, in the aforesaid Letters Patents named, and as a further mark of our especial favour to them, we are graciously pleased to enlarge our said grant unto them, according to the bounds and limits hereafter specified, and in favour to the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkely, their heirs and assigns, all that province, territory or tract of land, situate, lying and being within our dominions of America aforesaid; extending north and eastward, as far as the north end of Currituck river or inlet, upon a strait westerly line to Wyonoak creek, which lies within or about the degrees of thirty-six and thirty minutes, northern latitude; and so west, in a direct line, as far as the South-Seas; and south and westward, as far as the degrees of twenty-nine, inclusive, of northern latitude; and so west, in a direct line, as far as the South-Seas; together with all and singular the ports, harbours, bays, rivers and inlets, belonging unto the province or territory aforesaid: And also, all the soils, lands, fields, woods, mountains, ferms, lakes, rivers, bays and islets, situate or being within the bounds or limits last before mentioned; with the fishings of all sorts of fish, whales, sturgeons, and all other royal fish, in the sea, bays, islets and rivers, within the premises, and the fish therein taken, together with the royalty of the sea upon the coast within the limits aforesaid; and moreover all veins, mines and quarries, as well discovered as not discovered, of gold, silver, gems and precious stones, metal, or any other thing, found, or to be found, within the province, territory, islets and limits aforesaid: And furthermore, the patronage and advowsons of all the churches and chapels, which, as Christian religion shall increase within the province, territory, isles, and limits aforesaid, shall happen hereafter to be erected; together with licence and power to build and found churches, chapels and oratories, in convenient and fit places, within the said bounds and limits; and to cause them to be dedicated and consecrated, according to the ecclesiastical laws of our kingdom

...of territory may be...
...from the...
...therefore, we...
...of these...
...the large people of us, our heirs...
...England, and elsewhere, within...
...colonies, or plantations, (excepting...
...to transport themselves and...
...territory, with convenient shipping...
...there to settle themselves, dwell, and in...
...ordinance, or other thing, to the contrary

...of our especial grace, for us, our heirs and...
...ordain, constitute, and command, that...
...territory shall be of our allegiance; and that...
...subjects and liege people of us, our heirs and...
...to be transported into the said province...
...and such as shall descend from them there...
...born be, and shall be denizens and lieges of...
...of this our kingdom of England, and be...
...and reputed, as the liege faithful people...
...successors, born within this our said kingdom, or...
...and may inherit or otherwise purchase...
...buy and possess, any lands, tenements, or...
...the said places, and them may occupy and...
...bequeath; as likewise, all liberties, franchises...
...our kingdom, and of other our dominions...
...and quietly have, possess, and enjoy, as our...
...within the same, without the molestation, vexa-
...of us, our heirs and successors: Any act...
...provision, to the contrary, notwithstanding.
...that our subjects of this our said kingdom of...
...our dominions, may be the rather encouraged to...
...condition, with ready and chearful means; Know

... of the said lands, tenements, and hereditaments, and of the profits and revenues thereof, and of the right and authority, that such persons, by the said premises, or any part thereof, of the said Duke of Albemarle, William Berkeley, Anthony Lord Ashley, Sir George Carteret, and Sir William Berkeley, their heirs and assigns, shall seem expedient; the statute of Edward, son of King Henry, heretofore made, commonly called the statute of the Statute of Mortmain, or any other statute, act, ordinance, use, law, custom, matter, cause or thing, heretofore published or made, contrary, in any-wise notwithstanding.

AND because many persons, born and inhabitants of the said Colonies, for their deserts and services, may expect marks of honour and favour, which, in respect of the said Colonies, cannot be conveniently conferred by us; our will and pleasure is, and we do by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, Earl of Craven, John Lord Berkeley, Anthony Lord Ashley, George Carteret, Sir John Colleton, and Sir William Berkeley, their heirs and assigns, full power and authority, full sole privilege, sole privilege, sole privilege, unto and upon such of the inhabitants of the said Colonies, as they shall think do, or shall merit the same, to confer, give, and grant unto them, such honours, titles, and favours, as they shall think fit.

...to erect and make in
...or any part thereof, so many
...to them shall seem meet and conven-
...manors to have and to hold a Court-
...which to a Court-Baron do belong;
...of Frank-Pledge and Court-Leets, for
...and better government of those parts,
...and precincts, as by the said Edward
...Duke of Albemarle, William Earl of
...Anthony Lord Ashley, Sir George
...and Sir William Berkeley, or their heirs,
...purpose, with all things whatsoever which
...of Frank-Pledge, do belong; the same courts
...to be deputed and authorized by the said
...London, George Duke of Albemarle, William
...Lord Berkeley, Anthony Lord Ashley, Sir
...John Colleton, and Sir William Berkeley, or
...of the manors and leets, for the time being,
...erected.

...so remote a country, and situate among so
...the invasions of savages and other enemies,
...may probably be feared; therefore, we have
...heirs and successors, do give power by these
...Edward Earl of Clarendon, George Duke of
...Earl of Craven, John Lord Berkeley, Anthony

...shall make their choice, as
...may, from time to time,
...and enjoy his and their
...of religion, throughout all the
...believing themselves peaceably, and
...nor to the civil injury, or
...any law, statute, or clause, contained or
...of our realm of England, to the con-
...withstanding.

...open, that any doubts or questions shall
...sense and understanding of any word,
...in this our present charter; we will,
...in all times, and in all things, such inter-
...and allowed in all and every of our courts
...may be adjudged most advantageous and
...Edward Earl of Clarendon, George Duke of
...of Craven, John Lord Berkeley, Anthony
...Carteret, Sir John Colleton, and Sir Wil-
...and assigns, although express mention, &c.
...at Westminster, the thirtieth day of June, in
...our reign.

PER IPSUM REGEM.

Three. The whole province shall be divided into eight signiories, baronies, and precincts; each precinct shall consist of six hundred and forty acres; the eight signiories being each of them one-fifth of the whole province, and the eight baronies of the same being each of them one-fifth of the whole province, the one to the proprietors, the one to the colonies, leaving the colonies, being three-fifths of the whole province, that in setting out and planting the lands, the government may be preserved.

Five. At any time before the year one thousand seven hundred and one, any of the lords proprietors shall have power to alienate, and dispose to any other person his share of the signiories, powers, and interest thereunto, and not otherwise. But after the year one thousand seven hundred, those who are then lords proprietors shall have power to alienate or make over their parts of the signiories and privileges thereunto belonging to any person whatsoever, otherwise than in severalty, all descend unto their heirs male, and for want of heirs male all descend on that landgrave or cazique of Carolina.

* North Carolina Colonial Records, 187-206. [Lect. 10, p. 175.]

* This form of government was framed by John Locke in the Human Understanding, and amended by the Earl of Shaftesbury known as Anthony Ashley Cooper. It was only partially carried out, and it was abrogated by the lords proprietors in April, 1712.

of the next heirs female of the proprietor; and, for want of such heirs, it shall descend on the next heir general; and, for want of such heirs, the remaining seven proprietors shall, upon the vacancy, choose a landgrave to succeed the deceased proprietors, who, being chosen by the majority of the seven surviving proprietors, he and his heirs, successively shall be proprietors, as fully to all intents and purposes as any of the rest.

Six. That the number of eight proprietors may be constantly kept, if, upon the vacancy of any proprietorship, the seven surviving proprietors shall not choose a landgrave to be a proprietor before the second biennial parliament after the vacancy, then the next biennial parliament but one, after such vacancy, shall have power to choose any landgrave to be a proprietor.

Seven. Whosoever, after the year one thousand seven hundred, either by inheritance or choice, shall succeed any proprietor in his proprietorship, and signories thereunto belonging, shall be obliged to take the name and arms of that proprietor whom he succeeds; which from thenceforth shall be the name and arms of his family and their posterity.

Eight. Whatsoever landgrave or cazique shall any way come to be a proprietor, shall take the signories annexed to the said proprietorship; but his former dignity, with the baronies annexed, shall devolve into the hands of the lords proprietors.

Nine. There shall be just as many landgraves as there are counties, and twice as many caziques, and no more. These shall be the hereditary nobility of the province, and by right of their dignity be members of parliament. Each landgrave shall have four baronies, and each cazique two baronies, hereditarily and unalterably annexed to and settled upon the said dignity.

Ten. The first landgrave and caziques of the twelve first counties to be planted shall be nominated thus, that is to say: of the twelve landgraves, the lords proprietors shall each of them, separately for himself, nominate and choose one; and the remaining four landgraves of the first twelve shall be nominated and chosen by the palatine's court. In like manner, of the twenty-four first caziques, each proprietor for himself shall nominate and choose two, and the remaining eight shall be nominated and chosen by the palatine's court; and when the twelve first counties shall be planted, the lords proprietors shall again in the same manner nominate and choose twelve more landgraves and twenty-four more caziques, for the next twelve counties to be planted; that is to say, two-thirds of each number by the single nomination of each proprietor for himself, and the remaining third by the joint election of the palatine's court, and so proceed in the same manner till the whole province of Carolina be set out and planted, according to the proportions in these fundamental constitutions.

Eleven. Any landgrave or cazique, at any time before the year one thousand seven hundred and one, shall have power to alienate, sell, or make over, to any other person, his dignity, with the baronies thereunto belonging, all entirely together. But after the year one thousand seven hundred, no landgrave or cazique shall have power to alienate, sell, make over, or let the hereditary baronies of his dignity, or any part thereof, otherwise than as in section eighteen; but they shall all entirely, with the dignity thereunto belonging, descend unto

...all entirely demised, with the
...the gain of him, shall be
...daughter and her heirs shall
...these dignities, and in the
...shall be no heirs.

...In every signiory, barony, and
...shall have power, in his own name, to hear
...of all causes, both civil and criminal,
...any person being no inhabitant, vassal, or
...signiory, barony, or manor, he, upon paying
...the lords proprietors' use, shall have an appeal
...barony court to the county court, and from
...precinct court.

Seventeen. Every manor shall consist of not
...sand acres, and not above twelve thousand acres
...and colony, but any three thousand acres or
...the possession of one man, shall not be a manor
...tuted a manor by the grant of the palatine's court.

Eighteen. The lords of signiories and baronies
...only of granting estates not exceeding three
...years, in two-thirds of said signiories or baronies
...third shall be always demesne.

Nineteen. Any lord of a manor may alienate, or
...other person and his heirs forever, his manor, with
...with all the privileges and leet-men thereunto belonging
...as any colony lands; but no grant of any part thereof
...or for any longer term than three lives, or one and
...stand good against the next heir.

... shall be tried for
... justice's court, and that by a jury

... the eight supreme courts. The first
... of the palatine and the other
... seven courts of the other seven great
... of a proprietor, and six councillors
... of these latter seven courts shall be a col-
... The twelve assistants of the several col-
... of the landgraves, caziques, or eldest
... the palatine's court; two out of the land-
... chamber; two out of the caziques by the
... more of the twelve shall be chosen by the
... of such as have been or are members of par-
... of the county court, or the younger sons
... of landgraves or caziques; the two
... the palatine's court, out of the same sort of
... commons' chamber is to choose.

... these colleges shall be chosen at first, by the
... councillors, to be joined with each proprietor in
... shall be of those who were chosen into any
... palatine's court, out of the landgraves, caziques,
... sons; one out of those who were chosen by the
... out of those who were chosen by the commons'

the grand council shall be filled, not by the person who first offers him, but by the person who is expelled. But it is not to be understood that the grand council hath any power to take away the liberties of the proprietors or their deputies, the same being an inherent original right.

Thirty-two. All elections in the parliament, and in the grand council, shall be by balloting.

Thirty-three. The palatine's court shall consist of seven proprietors, wherein nothing shall be done without the presence and consent of the palatine or his deputy, or the consent of the proprietors or their deputies. This court shall call parliaments, to pardon all offences, and to give sentence in the proprietor's dispose, and to give charters to the towns; and also shall have power by their charters to dispose of all public treasure, excepting what is reserved to the parliament, and by them directed to some particular use. This court also shall have a negative upon all acts, orders, resolutions, and judgments of the grand council and the parliament, and shall have all the powers of the lords proprietors, by their patent from the King, except in such things as are limited by the laws and constitutions.

Thirty-four. The palatine himself, when he is present either in the army or any of the proprietors, shall have the power of general, or of that proprietor in whose court he is present, and the proprietor, in whose court he is not present, shall, during his presence there, be but a

... shall be called proconsuls, and the assistants of one of the proconsuls shall be called marshals, and the assistants of the other shall be called marshals, and all land forces, garrisons, forts, &c., and what assistants shall be called lieutenants.

... the constable, while he is in the army, and the six councillors, or such of them as for that time or service appoint, shall be under him, and the lieutenant-generals

... court, consisting of one of the proprietors and proconsuls, shall have the care and inspection of the shipping of Carolina, and stores therefor, and maritime affairs. This court also shall have power to try cases belonging to law-merchant, as well as for trade. The twelve assistants belonging to the proconsuls.

... of actual war, the admiral, whilst he is at sea, and his six councillors, or such of them as for that time or service appoint, shall be the admiral's court, and the proconsuls next to them. The proconsuls and proconsuls shall take care of all the public revenue and treasury. The twelve proconsuls and proconsuls.

Forty-six. All causes belonging to any of the proprietors' courts, shall be finally and ultimately determined, without any appeal.

Forty-seven. The proprietors' courts shall stay and suspend all execution in criminal cases after sentence, in any of the other inferior courts.

Forty-eight. In all debates, hearings, or proceedings in the proprietors' courts, the twelve assistants being present, respectively, shall have liberty to be present, unless their opinions be required, nor have any other business shall be, by the direction of the respective courts, such business as shall be committed to them, in their respective offices, and despatch such affairs, either within or without, as the court shall think fit.

Forty-nine. In all the proprietors' courts, the three of his councillors, shall make a quorum. That for the better despatch of business, it shall be the palatine's court to direct what sort of causes shall be determined by a quorum of any three.

Fifty. The grand council shall consist of the proprietors, and the forty-two councillors of the courts, who shall have power to determine any controversy that shall arise between any of the proprietors' courts, or between the members of the same.

...the end of four years, unless
...the deputation

...shall have any power
...of Carolina, except the proprietor

...of any proprietor, his guardian
...and appoint his deputy.

...the lords proprietors, who shall be per-
...course be the palatine's deputy, and if no
...shall choose his deputy out of the heirs
...proprietors, if any such be there; and if there
...any of the lords proprietors above one-and-
...then he shall choose for deputy any one
...grand council; till he have by deputation
...any one of the forementioned heirs ap-
...be his deputy, the eldest man of the land-
...landgrave, the eldest man of the caziques,
...Carolina, shall of course be his deputy.

...deputy shall be always one of his six
...; and in case any of the proprietors hath not,
...a deputy, commissioned under his hand
...gentleman of his court shall of course be his

...county there shall be a court, consisting of a
...of the county, for every precinct one. The
...habitant of the county, and have at least five

...the first thing
...the reading of these fundamental consp
...and proprietors, and the rest of the
...Nor shall any person what
...till he hath that session subscribed
...in a book kept for that purpose by

...the due election of members for the bien
...lawful for the freeholders of the respec
...Tuesday in September every two years,
...that they last met in, to choose parliament
...those members that are to sit the next Novem
...steward of the precinct shall, by sufficient
...appoint some other place for their meeting

...order of parliament shall be of any force,
...every parliament, during the same session, by
...and three more of the lords proprietors
...not to continue longer in force but until
...ment, unless in the mean time it be ratified
...of the palatine himself, and three more of

...of records and...
...constitutions, or on any...
...of Carolina, any...
...eighty-one. There shall be a...
...shall be enrolled all deeds, leases...
...conveyances, which may concern any...
...precinct; and all such conveyances...
...not be of force against any person...
...conveyance.

Eighty-two. No man shall be register of...
at least three hundred acres of freehold...

Eighty-three. The freeholders of...
three men; out of which three the chief...
and commission one to be register of the said...
well behave himself.

Eighty-four. There shall be a registry in...
and colony, wherein shall be recorded all the...
deaths that shall happen within the respective...
and colonies.

Eighty-five. No man shall be register of...
above fifty acres of freehold within the said...

Eighty-six. The time of every one's age...
shall be reckoned from the day that his birth is...
and not before.

Eighty-seven. No marriage shall be lawful...
ceremony they have used, till both the parties...
the register of the place where they were married...
with the names of the father and mother of each...

Eighty-eight. No man shall administer to the goods, or have a right to them, or enter upon the estate of any person deceased, till his death be registered in the respective registry.

Eighty-nine. He that doth not enter in the respective registry the birth or death of any person that is born or dies in his house or ground, shall pay to the said register one shilling per week for each such neglect, reckoning from the time of each birth or death, respectively, to the time of entering it in the register.

Ninety. In like manner, the births, marriages, and deaths of the lords proprietors, landgraves, and caziques shall be registered in the chamberlain's court.

Ninety-one. There shall be in every colony one constable, to be chosen annually, by the freeholders of the colony; his estate shall be above a hundred acres of freehold within the said colony, and such subordinate officers appointed for his assistance as the county court shall find requisite, and shall be established by the said county court. The election of the subordinate annual officers shall be also in the freeholders of the colony.

Ninety-two. All towns incorporate shall be governed by a mayor, twelve aldermen, and twenty-four of the common council. The said common council shall be chosen by the present householders of the said town; the aldermen shall be chosen out of the common council; and the mayor out of the aldermen, by the palatine's court.

Ninety-three. It being of great consequence to the plantation that port-towns should be built and preserved; therefore, whosoever shall lade or unlade any commodity at any other place than a port-town, shall forfeit to the lords proprietors, for each ton so laden or unladen, the sum of ten pounds sterling; except only such goods as the palatine's court shall license to be laden or unladen elsewhere.

Ninety-four. The first port-town upon every river shall be in a colony, and be a port-town forever.

Ninety-five. No man shall be permitted to be a freeman of Carolina, or to have any estate or habitation within it, that doth not acknowledge a God; and that God is publicly and solemnly to be worshipped.

Ninety-six. [As the country comes to be sufficiently planted and distributed into fit divisions, it shall belong to the parliament to take care for the building of churches, and the public maintenance of divines, to be employed in the exercise of religion, according to the Church of England; which being the only true and orthodox, and the national religion of all the King's dominions, is so also of Carolina; and, therefore, it alone shall be allowed to receive public maintenance, by grant of parliament.]^a

Ninety-seven. But since the natives of that place, who will be concerned in our plantation, are utterly strangers to Christianity, whose idolatry, ignorance, or mistake gives us no right to expel or use them ill; and those who remove from other parts to plant there will unavoidably be of different opinions concerning matters of religion, the liberty whereof they will expect to have allowed them, and it will not be reasonable for us, on this account, to keep them out, that civil

* ^a This article was not drawn up by Mr. Locke, but inserted by some of the chief of the proprietors, against his judgment; as Mr. Locke himself informed one of his friends, to whom he presented a copy of these constitutions.

One hundred. In the said church or profession, these following shall be the articles of religion, to be received by every assembly of men, which shall be called by those that govern, to bear witness to the Church or profession shall, in their testimony, be the external way whereby they witness to God, whether it be by laying hands on the Church of England, or by holding up the cross way."

One hundred and one. No person shall have any benefit or protection of the law, in any place of profit or honor, who is not a member of the Church or profession, having his name recorded in the religious record at once.

One hundred and two. No person of any profession shall disturb or molest any religious assembly.

One hundred and three. No person whatsoever shall speak irreverently or speak of the government or governors, or of state matters.

One hundred and four. Any person seeking admission into the Church or profession, shall be recorded in the record of the said church or precinct register, and any five members of the Church or profession, shall be thereby made a member of the same.

One hundred and five. Any person striking out of any religious record, or his name being struck thereunto authorized by each church or profession, shall cease to be a member of that church or profession.

...shall hold or claim
...or otherwise, from the
...and under the
...of all his estate, movable
...

Whoever shall possess any freehold
... grant soever, shall, at the farthest,
... thousand six hundred and eighty-nine,
... for each acre of land, English
... at this present time in one English
... to be as a chief rent and acknowledg-
... their heirs and successors, forever.
... the palatine's court, by their officers, at
... of any man's land, not to oust him
... but that by such a survey the just
... may be known, and the rent thereon

... All wrecks, mines, minerals, quarries
... with pearl-fishing, whale-fishing, and
... by whomsoever found, shall wholly belong

... All revenues and profits belonging to the
... shall be divided into ten parts, whereof
... three, and each proprietor one; but if the
... a deputy, the deputy shall have one of those
... the other two-tenths.

THE MECKLENBURG DECLARATION

I. Resolved: That whosoever directly or indirectly, in any way, form, or manner countenance or support the unjust invasion of our rights, as claimed by Great Britain to this country—to America—and to the rights of man.

II. Resolved: That we do hereby declare ourselves to be independent people; are, and of right ought to be, a self-governing association, under the control of the laws that of our God and the General Government, the maintenance of which Independence we owe to our mutual co-operation, our Lives, our Liberty, and our Sacred Honor.

III. Resolved: That as we acknowledge the authority of no law or legal officer, civil or military; we do hereby ordain and adopt as a rule of life

* Address of the Hon. William A. Graham, On the Declaration of Independence, * * * with Accompanying Documents (New York: Hale & Sons, publishers) 1875. 167 pp.

* This declaration of independence (with a supplement establishing a form of government) was adopted (as the act of delegates from different sections of Mecklenburg) and published at Charlotte May 20, 1775.

Executive and supreme judicial powers, and distinct from each other, and from the Legislature, which has the power of making laws, or the execution of laws, and the Representatives of the People, and ought not to be excluded from the right to serve as Representatives, in person, or by proxy.

In all prosecutions, every man has a right to a fair trial, and to confront the witnesses against him, and to be heard by himself, and by his counsel.

No man shall be put to answer any criminal charge, or be convicted of any crime, but by the unanimous vote of a jury of good and lawful men, in open court.

Proceedings and Debates of the Convention of North Carolina, which assembled at Raleigh to form the Constitution of the State, which assembled at Raleigh, and which are subjoined the Convention act and the Declaration of Independence together with the votes of the People. Raleigh: Printed by B. & C. 1836." Appendix, pp. 400-424.

formed by a "Congress," "elected and chosen for that purpose" at Halifax November 12, 1776, and continued at Halifax, 18, 1776. It was not submitted to the people for

X. That excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

XI. That general warrants—whereby an officer or messenger may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons, not named, whose offences are not particularly described, and supported by evidence—are dangerous to liberty, and ought not to be granted.

XII. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the law of the land.

XIII. That every freeman, restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful; and that such remedy ought not to be denied or delayed.

XIV. That in all controversies at law, respecting property, the ancient mode of trial, by jury, is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

XV. That the freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

XVI. That the people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their Representatives in General Assembly, freely given.

XVII. That the people have a right to bear arms, for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

XVIII. That the people have a right to assemble together, to consult for their common good, to instruct their Representatives, and to apply to the Legislature, for redress of grievances.

XIX. That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences.

XX. That, for redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

XXI. That a frequent recurrence to fundamental principles is absolutely necessary, to preserve the blessings of liberty.

XXII. That no hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

XXIII. That perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

XXIV. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty; wherefore no *ex post facto* law ought to be made.

XXV. The property of the soil, in a free government, being one of the essential rights of the collective body of the people, it is necessary, in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between North and South Carolina, was confirmed, and extended by Commissioners, appointed by the Legislatures of the two States, agreeable to the order of the late King George the Second, in Council, that line, and that only, should be esteemed the southern boundary

of this State as follows: that is to say, beginning on the sea side, at a cedar stake, at or near the mouth of Little River (being the southern extremity of Brunswick county,) and running from thence a north-west course, through the boundary house, which stands in thirty-three degrees fifty-six minutes, to thirty-five degrees north latitude; and from thence a west course so far as is mentioned in the Charter of King Charles the Second, to the late Proprietors of Carolina. Therefore all the territories, seas, waters, and harbours, with their appurtenances, lying between the line above described, and the southern line of the State of Virginia, which begins on the sea shore, in thirty-six degrees thirty minutes, north latitude, and from thence runs west, agreeable to the said Charter of King Charles, are the right and property of the people of this State, to be held by them in sovereignty; any partial line, without the consent of the Legislature of this State, at any time thereafter directed, or laid out, in anywise notwithstanding:—*Provided always*, That this Declaration of Rights shall not prejudice any nation or nations of Indians, from enjoying such hunting-grounds as may have been, or hereafter shall be, secured to them by any former or future Legislature of this State:—*And provided also*, That it shall not be construed so as to prevent the establishment of one or more governments westward of this State, by consent of the Legislature:—*And provided further*, That nothing herein contained shall affect the titles or possessions of individuals holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George the Second, or his predecessors, or the late lords proprietors, or any of them.

THE CONSTITUTION, OR FORM OF GOVERNMENT, &c

WHEREAS allegiance and protection are, in their nature, reciprocal, and the one should of right be refused when the other is withdrawn:

And whereas George the Third, King of Great Britain, and late Sovereign of the British American Colonies, hath not only withdrawn from them his protection, but, by an act of the British Legislature, declared the inhabitants of these States out of the protection of the British crown, and all their property, found upon the high seas, liable to be seized and confiscated to the uses mentioned in the said act; and the said George the Third has also sent fleets and armies to prosecute a cruel war against them, for the purpose of reducing the inhabitants of the said Colonies to a state of abject slavery; in consequence whereof, all government under the said King, within the said Colonies, hath ceased, and a total dissolution of government in many of them hath taken place.

And whereas the Continental Congress, having considered the premises, and other previous violations of the rights of the good people of America, have therefore declared, that the Thirteen United Colonies are, of right, wholly absolved from all allegiance to the British crown, or any other foreign jurisdiction whatsoever: and that the said Colonies now are, and forever shall be, free and independent States.

Wherefore, in our present state, in order to prevent anarchy and confusion, it becomes necessary, that government should be established in this State; therefore we, the Representatives of the freemen

...shall not be admitted to the office of such justice shall be deemed to be disqualified from holding such appointment.

Sec. 4. The general assembly, at its next session, shall appoint an attorney general, by the governor, and shall hold his office for one year, but if the general assembly should hereafter alter the term of office of such solicitors of the State shall hold the same, they have power to extend the term of office of such solicitors for the same period.

ART. IV. SECTION 1. One. No convention shall be called by the general assembly, unless by a vote of two-thirds of all the members of each house of the general assembly.

Two. No part of the constitution of this State shall be altered, unless a bill to alter the same shall have been passed by a vote of two-thirds of the whole number of members of each house respectively, and such alteration take place until the bill so agreed to be published six months previous to a new election of the general assembly. If, after such publication, the bill shall be passed by the preceding general assembly shall be passed in the next session thereafter, by two-thirds of the whole number of members of each house of the general assembly, after the same shall have been read three times on three several days in each house, and the general assembly shall prescribe a mode by which the amendments may be submitted to the qualified voters of the State; and if, upon comparison in the whole State, it shall appear that a majority of the qualified voters approved thereof, then, and not otherwise, the amendments shall be a part of the constitution.

SEC. 2. The thirty-second section of the constitution shall be amended so that the same shall read as follows:

...of the State of North Carolina, at its Session of 1865, at Raleigh, North Carolina, in the City of Raleigh, on the 20th day of July, 1865, and shall have the right to vote for a member of the senate of the State.

CONSTITUTION OF NORTH CAROLINA—1861

...by an act of the legislature, passed on the 20th day of July, 1861, and revised the State constitution, and submitted to the people for ratification.]

DECLARATION OF SLAVERY IN NORTH CAROLINA—1865**

...declared by the delegates of the people of the State of North Carolina, in convention assembled, and it is hereby declared that slavery and involuntary servitude, other-

...of the State of North Carolina, at its Session of 1865, at Raleigh, North Carolina, in the City of Raleigh, on the 20th day of July, 1865. pp. 192. Constitution of North Carolina, and Ordinances and Resolutions passed by the Convention, Raleigh: Cannon and Holden, Printers to the State.

...of North Carolina, together with the Ordinances and Resolutions of the Constitutional Convention, Assembled in the City of Raleigh.

... of the State for twelve
... of any citizen, and shall have
... vote for a member of the sen-

NORTH CAROLINA—1861

... by an act of the legislature, passed an
... 20, 1861, and revised the State constitu-
... to the people for ratification.]

**SLAVERY IN NORTH CAROLINA—
1865**

*... by the delegates of the people of the
... in convention assembled, and it is hereby
... that slavery and involuntary servitude, other-*

... of the State of North Carolina, at its Session of
... Holden, Printers to the Convention, 1865. pp. 182.
... Convention, Session 1865. Constitution of North-
... and Ordinances and Resolutions passed by the Con-
... Raleigh; Cannon and Holden, Printers to the State.

... of North Carolina, together with the Ordinances and
... tional Convention, Assembled in the City of Raleigh.

That the great, general, and essential
government, may be recognized and
of this State to the Union and the
of the people of this State,
people may be defined and affirmed, we
Section 1. That we hold it to be self-evident
that they are endowed by their Creator
inalienable rights; that among these are
of the fruits of their own labor, and the
Sec. 2. That all political power is vested
people; all government of right originates

Jan. 14, 1868. Raleigh: Joseph W. Holden, Conventioneer.
Index.

Constitution of the State of North Carolina together
Resolutions of the Constitutional Convention, assembled
January 14, 1868. Raleigh: Joseph W. Holden, Conventioneer.
pp. 488. Index.

* A convention, called by Provisional Governor W. W. Holden,
Raleigh October 2, 1865, repealed the ordinance of secession,
prohibiting slavery October 9, 1865, and adjourned.
The people ratified their repeal of the ordinance of secession
against 2,002 votes, and the ordinance prohibiting slavery
3,970 votes. The convention reassembled in May, 1865, to
constitution of 1776, but their work was rejected by the
votes against 21,552 votes.

† This constitution was framed by a convention called
tion acts of Congress, by Major-General Canby, which
January 14, 1868, and completed its labors March 18, 1868,
by an ordinance submitting it to the people, and an
intimidation of voters, and it was ratified by 98,118 votes.

... powers of
... distinct from each
... or the execution of laws, by
... the representatives of the
... and ought not to be exercised.

every man has the right to be
him and to confront the accusers
y, and to have counsel for his de-
to give evidence against himself, or to
witness-fees of the defence, unless

be put to answer any criminal charge,
, but by indictment, presentment, or

be convicted of any crime but by the
of good and lawful men in open court.
, provide other means of trial, for petty
of appeal.

should not be required, nor excessive fines
punishments inflicted.

whereby any officer or messenger may
suspected places, without evidence of the act
any persons not named, whose offence is not

national

Sec. 24. The power of the people is not to be taken from them, and they are to be secured in the enjoyment of their rights, and in the exercise of their representative powers.

Sec. 25. A well regulated militia is necessary to the security of the State; the right of the people to keep and bear arms shall not be infringed; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept; and the militia shall be kept under strict subordination to the civil power.

Sec. 26. The people have a right to assemble peaceably for their common good, to instruct their representatives, and to petition the legislature for redress of grievances.

Sec. 27. All men have a natural and unalienable right to worship Almighty God according to the dictates of their consciences; and no human authority should, in any manner, interfere with the right of conscience.

Sec. 28. The people have a right to the peaceable enjoyment of their property; it is the duty of the State to guard and maintain the same.

Sec. 29. For redress of grievances, and for amending the laws, elections should be often held.

Sec. 30. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty and justice.

Sec. 31. No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 32. Perpetuities and monopolies are contrary to the spirit of a free State, and ought not to be allowed.

Sec. 33. Retrospective laws, punishing acts committed before the existence of such laws, and by them only deemed oppressive, unjust, and incompatible with liberty, shall not be made. No law shall be made *ex post facto* law ought to be made. No law shall be made to affect sales, purchases, or other acts previously done, nor shall any

...of the members of the general assembly, which shall be composed of fifty senators biennially...

...of the general assembly, which shall be composed of fifty senators biennially... of the general assembly, which shall be composed of fifty senators biennially... of the general assembly, which shall be composed of fifty senators biennially...

...Chowan, Pasquotank, Currituck, Gates, and Dare, shall elect two senators.

...Washington, and Tyrrell, shall elect one senator.

...Hyde, shall elect one senator.

...Hampton, shall elect one senator.

...and Hertford, shall elect one senator.

...shall elect one senator.

...gecomb, shall elect one senator.

...shall elect one senator.

...and Wilson, shall elect one senator.

...and Carteret, shall elect two senators.

...Jones and Lenoir, shall elect one senator.

...Duplin and Onslow, shall elect one senator.

...Brunswick and New Hanover, shall elect two senators.

...Bladen and Columbus, shall elect one senator.

...Robeson, shall elect one senator.

Robeson, Anson, Ashe, Buncombe, Burke, Cabarrus, Cherokee, Chowan, Clay, Davie, Forsythe, Gaston, Gates, Haywood, Hertford, Hyde, Jackson, Johnston, Martin, McDowell, Mitchell, Pasquotank, Perquimans, Person, Sampson, Stanly, Stokes, Surry, Transylvania, Watauga, Wilkes, Wilson, one member each.

the senate shall not be less than twenty-five in the State as a citizen two years, in the district for which he is chosen his election.

of house of representatives shall be a and shall have resided in the county for year immediately preceding his election.

of all officers whose appointment shall be assembly by the constitution, the vote shall

shall have power to pass general laws y, but shall not have power to grant a in any individual case.

assembly shall not have power to pass any name of any person, or to legitimate any per- wedlock, or to restore to the rights of citizen-

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... faithfully
... represent
... for senators and
... at the time
... at the first
... at the same time
... regular election.

...of public interest... shall be elected for a term of four years... at the same time and place as the members of the general assembly... shall commence on the first day of January, and continue until their successors are elected. That the officers first elected shall take office ten days after the approval of the United States, and shall hold office until the first day of January, 1869. No person shall be eligible as governor or lieutenant-governor who has not attained the age of thirty years, shall have resided in the United States five years, and shall have been a citizen of the State two years next before the election; nor shall any person be eligible to the office of either of these two offices in any term of eight years, unless he has not been cast upon him as lieutenant-governor or

At every election for officers of the executive department, the ballots shall be put up and transmitted to the seat of government, and the officers, directed to the speaker of the house of representatives, shall open and publish the same in the presence of the members of both houses of the general assembly. The person receiving the highest number of votes respectively shall be elected; but if two or more be equal and highest in number, then one of them shall be chosen by joint ballot of the general assembly. Contested elections shall be decided by a joint vote of both houses of the general assembly, as shall be prescribed by law.

ship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

SEC. 14. The general assembly shall not pass any private law, unless it shall be made to appear that thirty days' notice of application to pass such law shall have been given, under such direction and in such manner as shall be provided by law.

SEC. 15. If vacancies shall occur in the general assembly by death, resignation, or otherwise, writs of election shall be issued by the governor under such regulations as may be prescribed by law.

SEC. 16. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the general assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

SEC. 17. The general assembly shall regulate entails in such manner as to prevent perpetuities.

SEC. 18. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the general assembly.

SEC. 19. Any member of either house may dissent from, and protest against, any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the journal.

SEC. 20. The house of representatives shall choose their own speaker and other officers.

SEC. 21. The lieutenant-governor shall preside in the senate, but shall have no vote, unless it may be equally divided.

SEC. 22. The senate shall choose its own officers and also a speaker *pro tempore* in the absence of the lieutenant-governor, or when he shall exercise the office of governor.

SEC. 23. The style of the acts shall be, "*The general assembly of North Carolina do enact.*"

SEC. 24. Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws, and the two houses may also jointly adjourn to any future day, or other place.

SEC. 25. All bills and resolutions of a legislative nature shall be read three times in each house, before they pass into laws; and shall be signed by the presiding officers of both houses.

SEC. 26. Each member of the general assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the senate or house of representatives.

SEC. 27. The terms of office for senators and members of the house of representatives shall commence at the time of their election; and the term of office of those elected at the first election held under this constitution shall terminate at the same time as if they had been elected, at the first ensuing regular election.

...of the State, at the same time and
...members of the general assembly
...shall commence on the first day of
...and continue until their successors
...*Provided*, That the officers first elected
...their office ten days after the approval of
...of the United States, and shall hold
...and after the first day of January, 1869.
...be eligible as governor or lieutenant-
...have attained the age of thirty years, shall
...United States five years, and shall have been
...for two years next before the election; nor
...to either of these two offices be eligible to the
...four years in any term of eight years, unless
...been cast upon him as lieutenant-governor or

of every election for officers of the executive
shall be sealed up and transmitted to the seat of govern-
ment, and the officers, directed to the speaker of the house of
representatives, shall open and publish the same in the presence
of the members of both houses of the general assembly.
The highest number of votes respectively shall
be counted; but if two or more be equal and highest in
any office, then one of them shall be chosen by joint
vote of the general assembly. Contested elections
shall be decided by a joint vote of both houses of the general
assembly in the manner as shall be prescribed by law.

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...whom
...which any member
...placed before the
...either
...The attorney-
...advisor of the executive depart-

...this article shall, at stated peri-
...compensation to be established by law,
...not diminished during the time for
...collected, and the said officers shall receive
...whatever.

...seal of the State, which shall be kept by
...him, as occasion may require, and shall be
...the State of North Carolina." All grants
...sued in the name and by the authority of
...sealed with the great seal of the State,
...and countersigned by the secretary of state.
...established in the office of secretary of state
...ture; and immigration, under such regu-
...assembly may provide.

...on
...golden,
...convent
...JUDICIAL DEPARTMENT

...tion between actions at law and suits in
...of all such actions and suits, shall be abolished,
...this State but one form of action for the enforce-
...private rights, or the redress of private wrongs,

Sec. 5. The courts for the State shall be the supreme court and the district courts.

Sec. 6. The house of representatives shall impeach and punishment according to law.

Sec. 7. Treason against the State shall be defined as adhering to its enemies, giving aid and comfort to them, or joining with them in any hostile design against it or adhering to its enemies, giving aid and comfort to them, or joining with them in any hostile design against it.

Sec. 8. The supreme court shall consist of a chief justice and four associate justices.

Sec. 9. There shall be two terms of the supreme court in each year, the first on the first Monday in January and the second on the first Monday in May, or as long as the public interests may require.

Sec. 10. The supreme court shall have jurisdiction of all appeals, and decision of the courts below upon questions of legal inference; but no issue of fact shall be tried by the supreme court, and the court shall have power to issue any remedy which may be necessary to give it a general supervision and control of the courts.

Sec. 11. The supreme court shall have original jurisdiction of all claims against the State, but its decisions shall not be final and mandatory; no process in the nature of execution shall issue, they shall be reported to the next session of the general assembly for its action.

Sec. 12. The State shall be divided into twelve judicial districts, for each of which a judge shall be chosen, who shall hold court in each county in said district, at least twice a year, to continue for two weeks, unless the business shall so require.

... court shall reside in his district...
... judges may exchange districts with...
... of the governor, and the governor, for...
... report to the legislature at its current or...
... any judge to hold one or more specified...
... of the judge in whose district they are.
... courts shall have exclusive original jurisdic-
... thereof exclusive original jurisdiction is not...
... and of all criminal actions, in which the...
... a fine of fifty dollars or imprisonment for one

... courts shall have appellate jurisdiction of all...
... determined by a probate judge or a justice of...
... matter in controversy exceeds twenty-five dol-
... law in all cases.

... of the superior courts shall have jurisdiction...
... the granting of letters testamentary and of...
... appointment of guardians, the apprenticing of...
... the accounts of executors, administrators, and...
... such other matters as shall be prescribed by law.
... joined before them shall be transferred to the...
... trial, and appeals shall lie to the superior courts...
... in all matters of law.

... cases of fact, joined in any court, the parties may...
... have the same determined by jury, in which case...
... judge upon the facts shall have the force and effect...
... jury.

Sec. 25. The judges of the superior courts shall be elected by the qualified voters of the State, as is provided in this constitution. They shall hold their offices for eight years; but the judges elected at the first election under this constitution shall hold their offices for four years, the other for eight years. The general assembly may provide for the election of the judges of the superior courts, instead of being elected by the qualified voters of the State, as is herein provided for, shall hold their offices for eight years; but the judges elected at the first election under this constitution shall hold their offices for four years, the other for eight years.

Sec. 26. The justices of the supreme court shall be elected by the qualified voters of the State, as is provided in this constitution. They shall hold their offices for eight years; but the justices elected at the first election under this constitution shall hold their offices for four years, the other for eight years. The general assembly may provide for the election of the justices of the supreme court, instead of being elected by the qualified voters of the State, as is herein provided for, shall hold their offices for eight years; but the justices elected at the first election under this constitution shall hold their offices for four years, the other for eight years.

Sec. 27. The general assembly may provide for the election of the judges of the superior courts, instead of being elected by the qualified voters of the State, as is herein provided for, shall hold their offices for eight years; but the judges elected at the first election under this constitution shall hold their offices for four years, the other for eight years.

Sec. 28. The superior courts shall be, at all times, the transaction of all business within their jurisdiction, except in cases of issues of fact requiring a jury.

Sec. 29. A solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the general assembly, who shall hold office for the term of four years, and shall hold office on behalf of the State, in all criminal actions in the superior courts, and advise the officers of justice in his district.

Sec. 30. In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the general assembly, and shall hold their offices for two years. In each township there shall be a constable, elected in like manner as the members thereof, who shall hold his office for two years. In each county, the coroner in the county, the clerk of the superior court shall be appointed by the coroner, and may appoint one for special cases. In case of a vacancy in the office of the coroner, the clerk of the superior court shall appoint one for special cases.

... judgment shall be rendered...
... to the appellate court from the...
... twenty-five dollars, there may be...
... to the appellate court; but if the judge...
... dollars or less, then the case shall be...
... only upon matters of law. In all cases of...
... against whom judgment is given may...
... where the matter shall be heard anew...
... justice, he shall make a record of the...
... with the clerk of the superior court for

... of justice of the peace shall become vacant,
... of the term, and in case of a failure by...
... to elect, the clerk of the superior court for...
... to fill the vacancy for the unexpired term...
... the office of clerk of a superior court for a county...
... otherwise than by the expiration of the term,
... by the people to elect, the judge of the superior...
... shall appoint to fill the vacancy until an election

ARTICLE V

REVENUE AND TAXATION

... general assembly shall levy a capitation-tax on...
... of the State over twenty-one and under fifty...
... shall be equal, on each, to the tax on property val-
... ed dollars in cash. The commissioners of the sev-
... exempt from capitation-tax in special cases, on...
... and infirmity, and the State and county capita-
... shall never exceed two dollars on the head.

... shall have no power to ...
... of any person, association, or corporation,
... completion of such railroads as may be ...
... adoption of this constitution, or in ...
... secondary interests, unless the subject be ...
... of the people of the State, and be approved ...
... who shall vote thereon.

SEC. 6. Property belonging to the State, or ...
... tions, shall be exempt from taxation. The ...
... exempt cemeteries, and property held for educational,
... ary, charitable, or religious purposes; also, ...
... for muster, household and kitchen furniture, ...
... agricultural implements of mechanics and ...
... scientific instruments, to a value not exceeding ...

SEC. 7. The taxes levied by the commissioners ...
... ties, for county purposes, shall be levied in like ...
... taxes, and shall never exceed the double of the ...
... a special purpose, and with the special approval ...
... assembly.

SEC. 8. Every act of the general assembly, ...
... state the special object to which it is to be applied,
... applied to no other purpose.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. Every male person born in the United ...
... male person who has been naturalized, twenty ...
... upward, who shall have resided in this State twelve ...
... ceding the election, and thirty days in the county ...
... to vote, shall be deemed an elector.

shall be elected, biennially, by the people of the county for the election of members of the following officers: A treasurer, register of deeds, and commissioners.

The duty of the commissioners to exercise a general supervision of the penal and charitable institutions, the levying of taxes, and finances of the county, shall be prescribed by law. The register of deeds shall be *ex-officio* a commissioner.

The duty of the commissioners first elected in the county shall be to divide the same into convenient districts, to determine the names of the said districts, and to report the same to the general assembly before the first day of January next following.

On the approval of the reports provided for in the foregoing section, the general assembly, the said districts shall have the necessary purposes of local government, and shall be known as townships.

In every township there shall be biennially elected, by the people, a clerk, a justice of the peace, a justice of the peace, a board of trustees, and shall, under the supervision of the commissioners, have control of the taxes and finances, and the management of the township, as may be prescribed by law. The general assembly may provide for the election of a larger number of justices of the peace in cities and towns, and in those townships where cities and towns are situated. In every township

Sec. 11. The general laws of this State shall not be construed to be in violation of the provisions of this article, and the provisions of this article shall not be construed to be in violation of the provisions of any other law of this State.

Sec. 12. All charters, ordinances, resolutions and laws of this State shall remain in force and effect, notwithstanding any provision therein which is inconsistent with the provisions of this article.

Sec. 13. No county, city, town, or village shall assume or pay, nor shall any tax be levied or assessed, nor shall any money be borrowed, nor shall any debt be contracted, or the interest upon any debt be paid, or indirectly, in aid or support of the debt or interest thereon, be paid, by any county, city, town, or village, in violation of the provisions of this article.

ARTICLE VIII

CORPORATIONS OTHER THAN BANKS

SECTION 1. Corporations may be formed under the laws of this State, but shall not be created by special act, except for the purpose of carrying out the provisions of any law of this State, in cases where, in the judgment of the legislature, such corporations cannot be attained under general laws and special acts passed pursuant to this article, and such laws and special acts shall remain in force from time to time, or repealed.

SEC. 2. Dues from corporations shall be secured by law, and the liabilities of the corporations and other means shall be determined by law.

SEC. 3. The term "corporation," as used in this article, shall be construed to include all associations and joint-stock companies, and shall not include any of the powers and privileges of corporations, but shall include individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all respects as natural persons.

SEC. 4. It shall be the duty of the legislature to provide for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessments, borrowing money, contracting debts, and loaning their credit, so as to conform to the provisions of this article, and in contracting debts by such municipalities.

...of the State as hereafter to be
...and other property
...also, the net
...from sales of entry, or from
...the proceeds of all sales of the
...State; also, all money that shall be
...from military duty; also, all
...hereafter be made to this State, and
...by the grant, gift, or devise, shall be
...preserved as an irreducible educa-
...of which, together with so much of
...State as may be necessary, shall be faith-
...establishing and perfecting in this State a
...and for no other purposes or uses what-

...of North Carolina, with its lands, emolu-
...under the control of the State, and shall be
...in connection with the free public-school system

...assembly shall provide that the benefits of the
...practicable, be extended to the youth of the
...for tuition; also, that all the property which
...to the State, or shall hereafter accrue, from
...dividends, or distributive shares of the estates of

...be appropriated to the use of the university.
...governor, lieutenant-governor, secretary of state, treas-
...pendent of public works, superintendent of pub-
...attorney-general, shall constitute a State board of

...shall be president, and the superintendent of
...shall be secretary, of the board of education.

...of education shall succeed to all the powers and
...and directors of the literary fund of North
...have full power to legislate and make all needful

...of the husband, and other persons, and the same shall be paid over to the wife and her heirs, assigns, and assigns, in fee simple, real and personal, in any manner she may think proper, and the same shall be conveyed, by her, as if she were sole owner.

...insure his own life for the sole use and benefit of his wife and in case of the death of the husband the proceeds shall be paid over to the wife and her heirs, assigns, and assigns, under the age, for her, or their own use, free of all charges, and the same shall be conveyed, by her, as if she were sole owner.

...under the foregoing sections of this article the owner of a homestead from disposing of the same by deed made by the owner of a homestead without the voluntary signature and assent of his wife, and the same shall be void and inoperative according to law.

ARTICLE XI

CRIMINAL INSTITUTIONS, AND PUBLIC CHARITIES

...punishments only shall be known to the law. Death, imprisonment with or without hard labor, or disqualification to hold and exercise any office, trust, or profit under this State, shall be inflicted only upon persons guilty of crimes, and of no other offenses, and the same shall be inflicted only to satisfy justice, and thus prevent crime, murder, rape, and these only, may be punishable with imprisonment, and the same shall be enacted by the Legislature.

Sec. 8. There shall also, as soon as may be, be provided by the State for the establishment of a school where destitute orphans may be cared for, and taught a business or trade.

Sec. 9. It shall be the duty of the legislature to devise means for the education of lame, blind, and deaf-mutes, the blind, and the insane of the State, in the charge of the State.

Sec. 10. The general assembly shall provide for the education of the deaf-mutes, the blind, and the insane of the State, in the charge of the State.

Sec. 11. It shall be steadily kept in view by the board of public charities that all public charities should be made as nearly self-supporting as possible for the purposes of their creation.

ARTICLE XII

MILITIA

SECTION 1. All able-bodied male citizens of North Carolina between the ages of twenty-one and thirty, and all citizens of the United States, shall be liable to military service. *Provided*, That all persons who may be exempt from military service on religious scruples, shall be exempt therefrom.

SEC. 2. The general assembly shall provide for the arming, equipping, and disciplining of the militia, in the same manner as when called into active service.

SEC. 3. The governor shall be commander-in-chief of the militia, and shall have power to call out the militia to execute the law, to suppress insurrection, and to repel invasion.

SEC. 4. The general assembly shall have power to make regulations as may be deemed necessary, and to enact laws expedient for the government of the militia.

...shall be drawn from the treasury but in consequence of appropriations made by law, and an accurate account of the receipts and disbursements of the public money shall be annually reported to the assembly...

ARTICLE XIV

MISCELLANEOUS

...which shall have been found, or may be proved, to have committed any crime or offence committed before this constitution, may be proceeded upon in the proper courts, and no punishment shall be inflicted which is forbidden by this constitution.

...who shall hereafter fight a duel, or assist in the same, or send, accept, or knowingly carry a challenge to fight a duel, or go out of this State to fight a duel, shall hold office for one year.

...shall be drawn from the treasury but in consequence of appropriations made by law, and an accurate account of the receipts and disbursements of the public money shall be annually reported to the assembly...

...assembly shall provide by proper legislation that mechanics and laborers an adequate lien on the subject-matter of their contracts.

...in the absence of any contrary provision, all officers in this State, before elected or appointed by the governor, shall hold office only until other appointments are made by the governor. If the officers are elective, until their successors shall be elected and duly qualified, according to the provisions of this constitution.

...of government in this State shall remain at the seat of government until the next session of the assembly.

SEC. 7. No person shall hold more than one lucrative office under the State at the same time: *Provided*, That officers in the militia, justices of the peace, commissioners of public charities, and commissioners appointed for special purposes shall not be considered officers within the meaning of this section.

Done in convention at Raleigh the sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States the ninety-second.

CALVIN J. COWLES, *President*.

T. A. BYRNES, *Secretary*.

CONSTITUTION OF NORTH CAROLINA—1876 *

PREAMBLE

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

ARTICLE I

DECLARATION OF RIGHTS

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

SECTION 1. That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve

* Verified from official copy furnished by the Secretary of State (1907); no title page; no date; 36 pp. [Editor.]

...shall be vested in two distinct
...the people, to-wit, a Senate and House of

...House of Representatives shall meet here-
...after the first Monday in January next
...when assembled, shall be denominated the
...House shall proceed upon public busi-
...all the members are actually present.
...shall be composed of fifty Senators, biennially

...Districts shall be so altered by the General
...after the return of every enumeration by
...each Senate District shall contain, as near as
...of inhabitants, excluding aliens and Indians
...remain unaltered until the return of another enu-
...at all times consist of contiguous territory; and
...divided in the formation of a Senate District,
...shall be equitably entitled to two or more Senators.
...of Representatives shall be composed of one
...Representatives, biennially chosen by ballot, to
...counties respectively, according to their popula-
...ty shall have at least one representative in the
...atives, although it may not contain the requisite
...ation; this apportionment shall be made by the
...of the respective times and periods when the Dis-
...are hereinbefore directed to be laid off.

...ing the apportionment in the House of Representa-
...representation shall be ascertained by dividing the
...ulation of the State, exclusive of that compre-
...e counties, which do not severally contain the one
...tenth part of the population of the State, by the

Sec. 23. The people of the State shall not be subject to the payment of any taxes for the support of any school, or for the support of any other institution, or for the support of any other public purpose, except as provided by law.

Sec. 24. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the carrying of concealed weapons, or prevent the Legislature from passing laws to punish offenders against said practice.

Sec. 25. The people have a right to assemble peaceably, to consult for their common good, to instruct their representatives, and to petition the Legislature for redress of grievances. Excessive fines, and cruel and unusual punishments are dangerous to the liberties of a free people, and shall not be tolerated.

Sec. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their conscience; and no human authority should, in any case whatsoever, interfere with the rights of conscience.

Sec. 27. The people have the right to the privacy of their communications, and it is the duty of the State to guard and maintain the same.

Sec. 28. For redress of grievances, and for amendment of the laws, elections should be often held.

Sec. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 30. No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 31. Perpetuities and monopolies are contrary to the spirit of a free State, and ought not to be allowed.

Sec. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; with

... shall be vested in two distinct
... the people, to-wit, a Senate and House of

... House of Representatives shall meet biennially
... after the first Monday in January next
... when assembled, shall be denominated the
... House shall proceed upon public business
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... Representatives, biennially chosen by ballot, to
... counties respectively, according to their popula-
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... tives, although it may not contain the requisite
... tion; this apportionment shall be made by the
... at the respective times and periods when the Dis-
... are hereinbefore directed to be laid off.

... the apportionment in the House of Representa-
... representation shall be ascertained by dividing the
... population of the State, exclusive of that compre-
... counties, which do not severally contain the one
... sixth part of the population of the State, by the

Sec. 9. In the election of all officers referred upon the General Assembly shall be held once.

Sec. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony and to grant a divorce or secure alimony in any case.

Sec. 11. The General Assembly shall have power to alter the name of any person not born in lawful wedlock, or to change the citizenship of any person convicted of an infamy.

Sec. 12. The General Assembly shall have power to pass general laws regulating the practice of law and in such manner as shall be provided by law.

Sec. 13. If vacancies shall occur in the General Assembly by resignation or otherwise, writs of election shall be issued under such regulations as may be provided by law.

Sec. 14. No law shall be passed to raise money for the State, or to pledge the faith of the State, discharge the payment of any debt, or to impose any tax on the State, or allow the counties, cities or towns to do so for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings shall have been on three different days in each House respectively, and unless the yeas and nays on the first and third readings of the bill shall have been entered on the journal.

Sec. 15. The General Assembly shall regulate the practice of law as to prevent perpetuities.

Sec. 16. Each House shall keep a journal of its proceedings which shall be printed and made public immediately after the adjournment of the General Assembly.

Sec. 17. Any member of either House may dissent from any act or resolve, which he may think unjust to the public, or any individual, and have the reasons of his dissent entered on the journal.

Sec. 18. The House of Representatives shall elect a Speaker and other officers.

...shall be supported by the
...and the Constitution of the
...discharge his duties
...of Representatives.
...for Senator and members of the House
...at the time of their election
...and recorded in either house by
...the yeas and nays upon any question
...in the journals.

The members of the General Assembly shall
...districts and counties, at the places where
...be directed hereafter to be held, in such
...by law, on the first Thursday in August,
...eight hundred and seventy, and every two
...the General Assembly may change the time

...of the General Assembly for the term for
...selected shall receive as a compensation for their
...dollars per day for each day of their session,
...sixty days; and should they remain longer
...serve without compensation. They shall also
...cents per mile, both while coming to the seat
...while returning home, the said distance to be
...line or route of public travel. The compen-
...ing officers of the two Houses shall be six dollars
... Should an extra session of the General As-
...the members and presiding officers shall receive a
...ation for a period not exceeding twenty days.

ARTICLE III

EXECUTIVE DEPARTMENT

The Executive Department shall consist of a Governor,
...the supreme executive power of the State, a
...or, a Secretary of State, an Auditor, a Treasurer,
...of Public Instruction, and an Attorney-General,
...for a term of four years by the qualified electors
...the same time and places and in the same manner as

Sec. 3. The members of the Executive Department shall be chosen by the General Assembly, who shall hold office for a term of four years, and shall be eligible for re-election. The person having the highest number of votes shall be declared duly elected. The election shall be by joint ballot of both Houses of the General Assembly in such manner as shall be determined by a joint resolution of the General Assembly.

Sec. 4. The Governor, before entering upon his office, shall, in the presence of the members of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution of the United States, and of the State of North Carolina, and faithfully perform the duties appertaining to the office to which he has been elected.

Sec. 5. The Governor shall reside at the seat of the State, and he shall, from time to time, give information of the affairs of the State, and receive and consider such measures as he shall deem expedient.

Sec. 6. The Governor shall have power to grant reprieves and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by the General Assembly in the manner of applying for pardons. He shall lay before the General Assembly each case of reprieve or pardon granted, stating the name of each convict, the offense for which he was convicted, the sentence and its date, the date of the pardon or reprieve and the reasons therefor.

Sec. 7. The officers of the Executive Department, and the heads of the institutions of the State, shall at least five days previous to the next regular session of the General Assembly, severally report to the Governor, who shall transmit such reports with his message to the General Assembly; and the Governor may, at any time, require in writing from the officers in the Executive Department any subject relating to the duties of their respective offices, and take care that the laws be faithfully executed.

...of the Governor, his...
...his inability to discharge...
...the office of Governor shall be...
...and emoluments of the office...
...until the disability shall...
...and qualified. In every...
...shall be unable to provide...
...one of their own number President...
...duties and emoluments of the office...
...him whenever the Lieutenant-Governor...
...prevented from discharging the duties...
...and he shall continue as acting Governor...
...removed, or a new Governor or Lieutenant-...
...and qualified. Whenever, during the recess...
...it shall become necessary for the President...
...to administer the government, the Secretary of State...
...that they may select such President...
...Executive duties of the Secretary of State, Auditor,
...President of Public Instruction, and Attorney-Gen-
...by law. If the office of any of said officers...
...death, resignation or otherwise, it shall be the...
...to appoint another until the disability be re-
...be elected and qualified. Every such vacancy...
...at the first general election that occurs more...
...after the vacancy has taken place, and the person...
...of the office for the remainder of the unexpired term...
...of this article.

Secretary of State, Auditor, Treasurer and Superin-
...Instruction shall constitute, *ex officio*, the Council
...shall advise the Governor in the execution of his office,
...shall constitute a quorum. Their advice and pro-
...capacity shall be entered in a journal to be kept for
...sively, and signed by the members present, from
...any member may enter his dissent; and such jour-
...before the General Assembly when called for by
...The Attorney-General shall be, *ex officio*, the legal
...Executive Department.

SECTION 1. The distinctions between law and equity, and the forms of all such actions shall be retained, and there shall be in this State but one form of remedy or protection of private rights of the citizen, which shall be denominated a civil action, to be brought out by the people of the State as a party, and not with a public offense, for the punishment of which is a criminal action. Feigned issues shall be abolished, and the fact at issue tried by order of Court before a jury.

SEC. 2. The judicial power of the State shall be vested for the trial of Impeachments, a Supreme Court, and Courts of Justice of the Peace, and such other Courts as may be established by law.

SEC. 3. The Court for the trial of Impeachments shall be a Court of State. A majority of the members shall be necessary for the judgment shall not extend beyond removal from office to hold, office in this State; but the party indicted and punishment according to law.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted of impeachment by the concurrence of two-thirds of the Senators present. When impeached, the Chief Justice shall preside.

SEC. 5. Treason against the State shall consist in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the oath of two witnesses to the overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

SEC. 7. The terms of the Supreme Court shall be the same as of Raleigh, as now, unless otherwise provided by the General Assembly.

The Judges of the Superior Court shall be elected by the qualified voters thereof, as is prescribed by law that the Judges of the Superior Court shall hold their offices for eight years. The General Assembly may provide by law that the Judges of the Superior Court, at the next succeeding elections, instead of being elected by the qualified voters of the State, as is herein provided for, shall be elected by the qualified voters of their respective districts.

Sec. 22. The Superior Court shall be authorized to hear and determine all actions of all business within their jurisdiction, and to try all issues of fact requiring a jury.

Sec. 23. A Solicitor shall be elected by the qualified voters thereof, as is prescribed by law. He shall hold office for the term of four years, and shall prosecute on behalf of the State, in all criminal cases in the Superior Courts, and advise the officers of justice in all cases.

Sec. 24. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed by law. In each township there shall be a Constable elected by the qualified voters thereof, who shall hold his office for two years. If there is no Coroner in a county, the Clerk of the Superior Court of the county may appoint one for special cases. In the event of a vacancy existing for any cause in any of the offices created by this Article, the Commissioners of the county may appoint to fill the same for an unexpired term.

Sec. 25. All vacancies occurring in the offices provided for in this Article of the Constitution shall be filled by the Governor, unless otherwise provided for, and they shall hold their places until the next regular election for the General Assembly, when elections shall be held to fill the same. If any person, elected or appointed to any of said offices, shall fail to qualify, such offices shall be appointed to fill the same as provided in case of vacancies occurring therein. The person appointed to fill *of said office* shall hold until their successors are qualified.

...may appeal to the Supreme Court for his county, and the Justice of the Peace shall become vacant at the expiration of the term, and in case of a failure to elect, the Clerk of the Superior Court shall appoint to fill the vacancy for the unexpired

...of Clerk of a Superior Court for a county shall be removed from office otherwise than by the expiration of the term, and in case of a failure to elect, the people to elect, the Judge of the Superior Court shall appoint to fill the vacancy until an election

...General Assembly shall establish other Courts inferior to the Supreme Court, the presiding officers and clerks of such Courts shall be appointed in such manner as the General Assembly may prescribe, and they shall hold their offices for a term of not more than six years.

...of the Supreme Court or of the Superior Court, the presiding officers of such Courts inferior to the Supreme Court may be removed from office for physical inability, upon a concurrent resolution of both Houses of the General Assembly. The Judge of the Supreme Court against whom the General Assembly may be about to pass a resolution of removal, shall receive notice thereof, accompanied by a copy of the resolution, at least twenty days before the meeting of the next House of the General Assembly shall act thereon. The Clerk of the Supreme Court, or of the Superior Court, or of any other Court inferior to the Supreme Court as may be provided by law, may be removed from office for mental or physical disability by the Judges of the Supreme Court by the Judges of the Superior Courts by the Judge riding the circuit, or by the Clerks of such Courts inferior to the Supreme Court

Section 1. The General Assembly shall have power to tax every male individual in the State, of any age, which shall be equal, and valued at three hundred dollars in value. Several counties may exempt from taxation on account of poverty and infirmity, and the tax combined shall never exceed two dollars.

Sec. 2. The proceeds of the State tax shall be applied to the purposes of education and in no one year shall more than twenty per cent be appropriated to the latter purpose.

Sec. 3. Laws shall be passed taxing, by a direct or indirect credit, investments in bonds, stocks, joint tenures, and otherwise; and, also, all real and personal property of value in money. The General Assembly may tax licenses, franchises, and incomes, provided that when the property from which the income is derived is taxed.

Sec. 4. Until the bonds of the State shall be paid, the Assembly shall have no power to contract any obligation in behalf of the State, except to raise money for suppressing invasions or insurrections, and no bill levy a special tax to pay the interest upon the same. The General Assembly shall have no power to give or loan any money of the State in aid of any person, association or corporation, for the completion of such railroads as may be necessary for the adoption of this Constitution, or in which the State has a pecuniary interest, unless the subject be submitted to a vote of the people of the State, and be approved by a majority who shall vote thereon.

Sec. 5. Property belonging to the State, or to any county, shall be exempt from taxation. The General Assembly shall exempt cemeteries and property held for educational, literary, charitable or religious purposes; also wearing apparel, household and kitchen furniture, the mechanical implements of mechanics and farmers, libraries,

... shall be known as townships.

ARTICLE VI

MUNICIPAL CORPORATIONS

SECTION 1. In each county there shall be a number of qualified voters thereof, as provided for by the General Assembly, the following officers, to-wit: a Clerk of Deeds, Surveyor and five Commissioners.

SEC. 2. It shall be the duty of the Commissioners the general supervision and control of the penal and police, schools, roads, bridges, levying of taxes, and other matters as may be prescribed by law. The Register shall be *ex officio*, Clerk of the Board of Commissioners.

SEC. 3. It shall be the duty of the Commissioners in each county to divide the same into convenient townships, and to report the same to the General Assembly before the first session of 1869.

SEC. 4. Upon the approval of the reports provided for in the going section by the General Assembly, the said townships shall be known as townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a large number of the Justices of the Peace in cities and towns and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School Committee, consisting of three persons, whose duties shall be prescribed by law.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their townships and make returns to the County Commissioners for revision, as may be prescribed by law. The Clerk shall be, *ex officio*, Treasurer of the township.

SEC. 7. No county, city, town or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

SEC. 8. No money shall be drawn from any county or township treasury except by authority of law.

SEC. 9. All taxes levied by any county, city, town or township shall be uniform and *ad valorem* upon all property in the same, except property exempted by this Constitution.

SEC. 10. The county officers first elected under the provisions of this Article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this Article shall have been carried into effect.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 13. No county, city, town or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this Article and substitute others in their place, except sections seven, nine and thirteen.

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act except for municipal purposes and in cases where, in the judgment of the Legislature, the object of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

ARTICLE IX

EDUCATION

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools and for no other uses or purposes whatsoever.

SEC. 5. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in

each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in anywise granted to or conferred upon the Trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General shall constitute a State Board of Education.

SEC. 9. The Governor shall be President and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed they shall not be re-enacted by the Board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the Board.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business.

SEC. 13. The contingent expenses of the Board shall be provided by the General Assembly.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

SECTION 1. The personal property of any resident of this State to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt.

SECTION 7. The husband may, during the life of his wife, dispose of his real and personal estate, and the amount thus disposed of may be used for the support and maintenance of his wife and children, or to the guardian of his wife, free from all the claims of the wife or any of his creditors.

SEC. 8. Nothing contained in the foregoing shall operate to prevent the owner of real estate of the same by deed; but no deed made by a husband shall be valid without the voluntary signature of his wife, signified on her private examination.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS AND

SECTION 1. The following punishments only shall be provided by the laws of this State, viz.: death, imprisonment with hard labor, fines, removal from office, and disqualification to enjoy any office of honor, trust or profit under the State. Nothing going provision for imprisonment with hard labor shall be construed to authorize the employment of such convicts on public works or highways, or other labor for public use, except as provided in the law; but no convict shall be farmed out who has been

... as soon as practicable, be measures devised
for the establishment of one or more orphan houses,
where the children may be cared for, educated and taught some
useful trade.
It shall be the duty of the Legislature, as soon as practicable,
to provide for the education of idiots and imbeciles.
The General Assembly may provide that the indigent deaf
and dumb of the State shall be cared for at the charge
of the State.
It shall be the duty of the Legislature and the
County Commissions, that all penal and charitable institutions
shall be nearly self-supporting as is consistent with the
public interest.

ARTICLE XII

MILITIA

All able-bodied male citizens of the State of North
Carolina, between the ages of twenty-one and forty years, who are
not exempted by the laws of the United States, shall be liable to do duty in the militia:
Provided, that persons who may be averse to bearing arms, from
conscientious scruples, shall be exempt therefrom.

ARTICLE XIV

MISCELLANEOUS

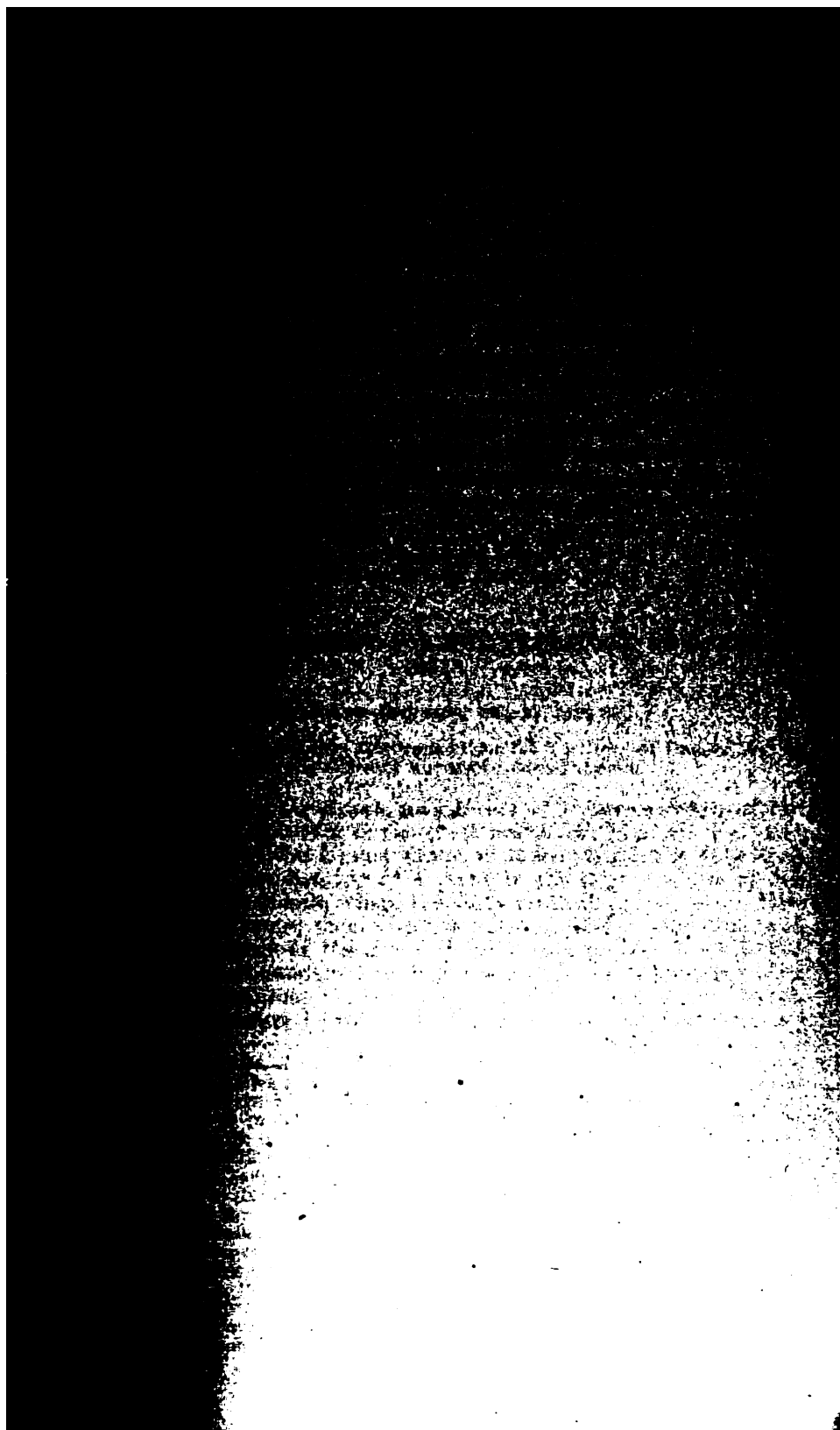
SECTION 1. All indictments which shall hereafter be found, for any crime or offense, after this Constitution takes effect, may be proceeded upon in the Courts, but no punishment shall be inflicted which is prohibited by this Constitution.

SEC. 2. No person who shall hereafter fight a duel, or be the same as a second, or send, accept, or knowingly aid in the same, therefor, or agree to go out of the State to fight a duel, or hold office in this State.

SEC. 3. No money shall be drawn from the Treasury in consequence of appropriations made by law; and an account of the receipts and expenditures of the public money shall be published.

SEC. 4. The General Assembly shall provide, by law, for giving to mechanics and laborers an adequate remuneration for their labor.

SEC. 5. In the absence of any contrary provision, all officers of the State, whether heretofore elected, or appointed by the people, shall hold their positions only until other appointments are made.





Senate and House of Representatives of the United States in Congress assembled. That all that part of the United States included within the following description at a point in the main channel of the Mississippi where the forty-ninth degree of north latitude crosses up the main channel of the same, and between the State of Minnesota to Big Stone Lake, and the boundary line of the said State of Minnesota to the boundary line of the State of Iowa to the Mississippi between the Big Sioux and Missouri rivers;

of an organic nature relating to the Territory of Dakota to abolish slavery in, June 19, 1862; to define the veto and other powers of the Governor, March 2, 1863; to regulate elective franchise in, January 2, 1865; to readjust special acts of incorporation, March 2, 1867; to pass general laws for the incorporation of certain companies; to limit the duration of legislative sessions and to fix the number of members of each house of legislature, February 23, 1873; to readjust the western boundary of, February 23, 1873; to declare the true meaning of a certain territorial act, March 2, 1879; to appoint an additional judge, March 3, 1879; to fix number of members of each house of legislature, June 19, 1878, June 27, 1879; to reorganize members of legislature, June 12, 1884; to reorganize courts and judicial justices, July 4, 1884; to limit number of representative members of legislature, July 30, 1885; to limit legislature's power to pass special acts of incorporation, July 30, 1885; to give validity to certain acts of legislature, June 30, 1886; to permit various forms of special legislation, July 30, 1886; to permit various forms of special legislation, July 30, 1886; to permit various forms of special legislation, July 30, 1886; to reorganize the courts, August 8, 1888.

of the United States from any
Territory, in such manner as
shall seem convenient and proper, or
to any other Territory or State, until
it shall be further enacted, That
authority in and over said Territory of Dakota
governor, who shall hold his office for four years,
shall be appointed and qualified, subject to the
President of the United States. The governor of
said Territory, shall be commander-in-chief, and
shall perform the duties and receive the emoluments
of Indian affairs, and shall approve all laws passed by
assembly before they shall take effect; he may
offences against the laws of said Territory and
against the laws of the United States until the
dent can be made known thereon; he shall command
shall be appointed to office under the laws of said
take care that the laws be faithfully executed.

Sec. 3. *And be it further enacted*, That there shall be a
of said Territory, who shall reside therein, and hold office for
years, unless sooner removed by the President of the United States;
he shall record and preserve all the laws and proceedings of the
lative assembly hereinafter constituted, and all the orders, writs,
ings of the governor in his executive department; and he shall
one copy of the laws, and one copy of the executive orders,
before the first day of December in each year, to the President of
United States, and, at the same time, two copies of the

...of the several counties...
...shall be conducted in such manner...
...and he shall, at the same time...
...members of the council and house of represent...
...of the counties or districts shall be entitled...
...number of persons authorized to be elected, hav...
...of votes in each of the said council districts...
...shall be declared by the governor to be...
...council; and the person or persons authorized to...
...greatest number of votes for the house of repres...
...the number to which each county or district shall...
...declared by the governor to be elected members of...
...atives: *Provided*, That in case of a tie between...
...voted for, the governor shall order a new elec...
...vacancy made by such tie. And the persons thus...
...legislative assembly shall meet at such place and on...
...governor shall appoint; but thereafter, the time...
...of holding and conducting all elections by the...
...apportioning the representation in the several counties...
...council and house of representatives, according to...
...shall be prescribed by law, as well as the day of the...
...the regular sessions of the legislative assembly:
...no one session shall exceed the term of forty days,
...which may be extended to sixty days, but no longer.
...as it further enacted, That every free white male
...the United States above the age of twenty-one years,
...been a resident of said Territory at the time of the
...act, shall be entitled to vote at the first election, and

...shall be appropriated to the
...and laws, and
...shall be deemed to be
...the same shall receive
...the same fees which the courts
...Territory now receive for similar
...enacted, That there shall be appointed
...territory, who shall continue in office for four
...by the President, and who shall receive
...as the attorney of the United States for the
...Nebraska. There shall also be a marshal for the
...who shall hold his office for four years, unless
...the President, and who shall execute all processes
...courts when exercising their jurisdiction as
...courts of the United States; he shall perform the
...the same regulations and penalties, and be enti-
...as the marshal of the district court of the
...the present Territory of Nebraska, and shall, in
...two hundred dollars annually as a compensation for
...enacted, That the governor, secretary,
...associate justices, attorney, and marshal, shall be
...and with the advice and consent of the Senate,

The Territory of Dakota shall hold its place in said Territory as the governor direct; and at said first session, or as soon deem expedient, the governor and legislative to locate and establish the seat of government such place as they may deem eligible; w thereafter be subject to be changed by the legislative assembly.

Sec. 12. *And be it further enacted,* That the Territory of Dakota shall hold its place in said Territory as the governor direct; and at said first session, or as soon deem expedient, the governor and legislative to locate and establish the seat of government such place as they may deem eligible; w thereafter be subject to be changed by the legislative assembly.

Sec. 13. *And be it further enacted,* That the Representatives of the United States, to serve of the United States, may be elected by the members of the legislative assembly, who shall be

That the Commissioner and the Secretary of the Interior, with the not legally incompetent and qualified persons within the said Territory of Dakota

It is further enacted, That the President of the United States, with the advice and consent of the Senate, shall be authorized to appoint a surveyor-general for the Territory of Dakota, to reside at such place as the Secretary of the Interior may from time to time direct, and whose duties, powers, emoluments, compensation, and allowances for clerk hire, and incidental expenses, shall be the same as those of the surveyor-general of Nebraska and Kansas, under the authority of the Secretary of the Interior, and such instructions as the Secretary may from time to time deem it advisable to give him.

It is further enacted, That so much of the public lands of the United States in the Territory of Dakota, west of its boundary with the States and east and north of the Niobrara, or Running River, as the President may direct, to be called the Yancton land district, the land office for said district shall be located at such point as the President may direct, and from time to time to other points within said district, as in his opinion, it may be expedient.

It is further enacted, That the President be, and he is authorized to appoint, by and with the advice and consent of the Senate, a register and receiver for said district, who shall be required to reside at the site of said office, and who shall be authorized to exercise the powers, perform the same duties, and be entitled to the same emoluments, compensation, and allowances for clerk hire, and incidental expenses, as the register and receiver of the land office of the Territory of Nebraska, under the authority of the Secretary of the Interior.

of North Dakota and South Dakota should be provided as therein provided by said act, and the Territory of Dakota should be divided on the line of the seventh standard meridian west to the western boundary of said Territory, as elected as therein provided to the Convention of electors north of said parallel should assemble at the time prescribed in the act, at the city of Bismarck.

And whereas it was provided by the said act that the electors as aforesaid should, after they had assembled, declare on behalf of the people of North Dakota their assent to the Constitution of the United States; whereupon the Convention should be authorized to form a constitution and laws for the proposed State of North Dakota;

And whereas it was provided by said act that the proposed State should be republican in form and maintain equal civil or political rights on account of race or color, and that Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and that the Convention should, by an ordinance, declare its assent to the Constitution of the United States and the people of the Territory should be authorized to exercise the powers and perform the certain provisions prescribed in said act;

And whereas it was provided by said act that the Territory of North Dakota and South Dakota should, respectively,

...of the said Government has
...said Constitution was submitted to
...numbered twenty and entitled
...and received a majority of all the
...said article as well as a majority of all the
...the Constitution, and was adopted.
...authenticated copy of said Constitution, and
...provisions, as required by said act has been

Benjamin Harrison, President of the United States, in accordance with the provisions of the act of Congress to declare and proclaim the fact that the conditions of the State of North Dakota to entitle that State to the Union have been ratified and accepted and that the said State into the Union is now complete. In proof, I have hereunto set my hand and caused the Great Seal of the United States to be affixed.

at the City of Washington, this second day of November, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States the one hundred and fourteenth.

BENJ. HARRISON.

MAINE,
Secretary of State.

...shall be qualified in any case where
...in time of war, except in the manner

...in any court whatever, the party
...to a speedy and public trial; to have
...the attendance of witnesses in his
...and defend in person and with counsel. No
...in jeopardy for the same offense, nor be com-
...to be a witness against himself, nor be
...property without due process of law.

...shall not be taken or damaged for public
...compensation having been first made to, or paid
...for, and no right of way shall be appropriated
...other than municipal, until full com-
...first made in money or ascertained and paid into
...respective of any benefit from any improvement
...operation, which compensation shall be ascer-
...a jury be waived.

...shall be imprisoned for debt unless upon refusal to
...for the benefit of his creditors, in such manner as
...by law; or in cases of tort; or where there is
...fraud.

...retroactive, ex post facto law, or law impairing the
...shall ever be passed.
...nor involuntary servitude, unless for the pun-
...shall ever be tolerated in this state.

THE LEGISLATIVE DEPARTMENT

§ 25. The legislative power shall be vested in the senate and house of representatives.

§ 26. The senate shall be composed of not more than fifty members.

§ 27. Senators shall be elected for the term hereinafter provided.

§ 28. No person shall be a senator who is not a citizen of the district in which he may be chosen, and who has attained the age of twenty-five years, and has resided in the state or territory for two years next preceding his election.

§ 29. The legislative assembly shall fix the number of senators, and divide the state into as many senatorial districts as there shall be senators, which districts as nearly as may be, shall be equal in the number of inhabitants entitled to representation; and no senator shall be entitled to one senator and no more, and no senatorial district shall be of compact and contiguous territory; and no senatorial district shall be attached to any other county, or part thereof, or to any other district. The districts as thus ascertained shall continue until changed by law.

...of the legislative assembly, expelled for corrup-
...convicted of bribery, perjury or other infamous
...eligible to the legislative assembly, or to any office in
...proof.

...shall elect one of its members as
...clerk of any court, secretary of state, attorney
...deeds, sheriff or person holding any office of profit
...except in the militia or the office of attorney at law,
...justice of the peace, and no person holding any office
...under any foreign government, or under the gov-
...United States, except postmasters whose annual com-
...exceed the sum of three hundred dollars, shall hold
...branch of the legislative assembly or become a

...the senate of North Dakota, and the
...shall constitute the house of repre-
...within the limits prescribed by this
...session shall proceed to reapportion the
...as prescribed by this constitution, and to
...of the house of representatives to be
...senatorial districts; provided, that the leg-
...at any regular session, redistrict the state into
...apportion the senators and representatives

such a manner, shall be expelled, and, unless he is readmitted to the legislative assembly, and, on the same day, shall be liable to such further punishment as may be provided by law.

§ 41. The term of service of the members of the legislative assembly shall begin on the first Tuesday in January.

§ 42. The members of the legislative assembly shall be liable to arrest except treason, felony and breach of the peace, during their attendance at the sessions of the legislative houses, and in going to or returning from the sessions, in any speech or debate in either house, they shall not be liable in any other place.

§ 43. Any member who has a personal or pecuniary interest in any measure or bill proposed or pending before the legislative assembly shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house.

§ 44. The governor shall issue writs of election to fill vacancies as may occur in either house of the legislative assembly.

§ 45. Each member of the legislative assembly shall be entitled to compensation for his services for each session, and to ten cents for every mile of necessary travel in going and returning from the place of the meeting of the legislative assembly by the most usual route.

§ 46. A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day.

...of the State of North Dakota, to be held on the first Monday of the month of January following the election of the members of the legislative assembly.

...shall be made by the legislative assembly, or by a majority of the members shall vote viva voce, and their votes shall be recorded in the journal.

...of the legislative assembly shall be biennial, except as otherwise provided in this constitution.

...session of the legislative assembly shall exceed one year, except in case of impeachment, but the first session of the assembly may continue for a period of one hundred and twenty days.

...may originate in either house of the legislative assembly, and any bill passed by one house may be amended by the other house.

...shall be passed, except by a bill adopted by both houses, and shall be so altered and amended on its passage as to change its original purpose.

...clause of every law shall be as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota." Bills for the appropriation of money, except for the expenses of the government, shall be introduced after the fortieth day of the session, except by unanimous consent of the house in which it is introduced.

...shall embrace more than one subject, which shall be clearly defined in its title, but a bill which violates this provision shall be void.

...shall be a vote of two-thirds of the members present, and in the presence of a majority of the members of the assembly.

The legislative assembly shall have the power to amend or repeal any law enacted by the assembly, and to alter the provisions of the constitution.

§ 54. The legislative assembly shall not exercise any of the following enumerated cases, that

1. For granting divorces.
2. Laying out, opening, altering, or vacating roads, town plats, streets, alleys or public places.
3. Locating or changing county seats.
4. Regulating county or township affairs.
5. Regulating the practice of courts of justice.
6. Regulating the jurisdiction and duties of police magistrates or constables.
7. Changing the rules of evidence in any trial.
8. Providing for changes of venue in civil or criminal cases.
9. Declaring any person of age.
10. For limitation of civil actions, or giving effect to invalid deeds.
11. Summoning or impaneling grand or petit juries.
12. Providing for the management of common law.
13. Regulating the rate of interest on money.
14. The opening or conducting of any election, or the place of voting.
15. The sale or mortgage of real estate belonging to others under disability.

§ 76. The governor shall have power to grant reprieves, commutations and pardons, except treason and cases of impeachment, and may by law regulate the manner of such pardons, commutations and reprieves. After conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported at its next regular session, when the lieutenant governor shall pardon or commute the sentence, direct the execution or grant further reprieve. He shall compile a list of all reprieves, commutations or pardons granted by him, of the convict, the crime for which he is convicted, the date, and the date of the remission, or of the reprieve, with his reasons for granting the same.

§ 77. The lieutenant governor shall be president of the senate, shall have no vote unless they be equally divided. In case of a vacancy in the office of governor, the lieutenant governor, if impeached, displaced, resign or die, or from any other cause, or otherwise become incapable of performing the duties of his office, the secretary of state shall act as governor until the office shall be filled or the disability removed.

§ 78. When any office shall from any cause become vacant, the mode is provided by the constitution or law for the filling of such office, the governor shall have power to fill such vacancy.

§ 79. Every bill which shall have passed the senate, shall, before it becomes a law, be presented to the governor. If he approve, he shall sign, but if not, he shall return it with his objections to the house in which it originated, which may then pass it notwithstanding such objections at large upon the journal, and proceed to pass it.

...shall give his official vote or influence on any question or matter upon which he may be called in his official capacity, or who menaces any member of the said governor, will appoint any particular office created or thereafter to be created, in any manner shall give his official vote or influence on any question or matter upon which he may be called in his official capacity, or who menaces any member of the said governor, will appoint any particular office created or thereafter to be created, in any manner shall give his official vote or influence on any question or matter upon which he may be called in his official capacity, or who menaces any member of the said governor, will remove any person or persons from office in any manner to influence the action of said assembly, or who threatens any member that he will remove any person or persons from office in any manner to influence the action of said assembly, and upon conviction thereof shall forfeit all offices and shall be ineligible to exercise any office of trust or honor in this state.

...shall be chosen by the qualified electors of the state at the time of choosing members of the legislative assembly, a comptroller, auditor, treasurer, superintendent of public instruction, commissioner of insurance, three commissioners of railroads, and one commissioner of agriculture and labor, who have attained the age of twenty-five years, shall be citizens of this state, and shall have the qualifications of state officers. They shall severally hold their offices at the seat of government for a term of two years and until their successors are qualified, but no person shall be eligible to the office for more than two consecutive terms.

§ 87. The supreme court shall have the same powers as are conferred by law upon the supreme court of the state of North Dakota, and shall have power to issue writs of habeas corpus, mandamus, certiorari, injunction, and other remedial writs as may be necessary to the jurisdiction, and shall have authority to hear and determine all cases provided, however, that no jury trial shall be held in said court, but in proper cases questions of fact shall be referred to a district court for trial.

§ 88. Until otherwise provided by law the supreme court shall be held each year, one at the seat of the county of Fargo, in the county of Cass, and one at Grand Forks.

§ 89. The supreme court shall consist of three judges, of whom shall be necessary to form a quorum or majority, but one or more of said judges may adjourn the court from one day to a day certain.

§ 90. The judges of the supreme court shall be elected by the qualified electors of the state at large, and except as otherwise provided herein for the first election for judges of the supreme court said judges shall be elected at general elections.

§ 91. The term of office of the judges of the supreme court, as in this article otherwise provided, shall be six years, and they shall hold their offices until their successors are duly qualified.

§ 92. The judges of the supreme court shall, in the first election under this constitution, be classified as follows:

...shall have the power to increase the number of judges of the supreme court to five, in which case the number of judges increased, shall constitute a quorum. No law shall be passed by law upon the supreme court or any judge thereof, except such as are judicial, nor shall any law confer any power of appointment except as provided in this constitution.

Every process shall be "The State of North Dakota." and shall be carried on in the name and by the authority of the State of North Dakota, and conclude "against the peace and good government of North Dakota."

Any vacancy happening by death, resignation or otherwise in any office of the supreme court shall be filled by appointment, which appointment shall continue until the first day of January thereafter, when said vacancy shall be filled by the next election.

The salaries of the supreme and district courts shall receive compensation for their services as may be prescribed by law, which shall not be increased or diminished during the term of office of a judge shall have been elected.

When a judge of the supreme court shall be in any way incapacitated, or brought before said court, the remaining judges shall call one of the district judges to sit with them on any case brought before said court, the remaining judges shall call one of the district judges to sit with them on any case brought before said court.

When a judgment or decree is reversed or confirmed by the supreme court, the point fairly arising upon the record of the case shall be stated and decided, and the reasons therefor shall be stated.

§ 104. Until otherwise provided by law, the judicial districts shall be constituted as follows:

District No. One shall consist of the counties of Adams, DeWitt, Nelson and Grand Forks.

District No. Two shall consist of the counties of Benson, Pierce, Rolette, Bottineau, Cavalier, Ward, Stevens, McMurtrie, Garfield, and Golden.

District No. Three shall consist of the counties of Burleigh, Franklin, and Traill.

District No. Four shall consist of the counties of Sargent, Dickey and McIntosh.

District No. Five shall consist of the counties of Stutsman, Barnes, Wells, Foster, Eddy and Towner.

District No. Six shall consist of the counties of Kidder, Sheridan, McLean, Morton, Oliver, Hettinger, Bowman, Billings, McKensie, Deuel and that portion of the Sioux Indian reservation lying south of the seventh standard parallel.

§ 106. The legislative assembly may whenever the members of each house shall concur therein, but not oftener than in four years increase the number of said judicial districts and judges thereof; such districts shall be formed by county lines and bounded by county lines, but such increase of the boundaries of the districts shall not work the removal of a judge from his office during the term for which he was elected or appointed.

§ 107. No person shall be eligible to the office of judge unless he be learned in the law, be at least twenty-one years of age and a citizen of the United States, nor unless he has resided within the State or Territory of Dakota at least one year preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.

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JUSTICES OF...
tive assembly shall...
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for shall have...
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does not exceed...
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jurisdiction to hear...
provided by law, but...
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§ 105. Until otherwise provided by law, the judicial districts shall be constituted as follows:

District No. One shall consist of the counties of Adams, DeWitt, Minnehaha and Grand Forks.

District No. Two shall consist of the counties of Benson, Pierre, Koleto, Bottineau, Rosebud, Spink, Stevens, Mountrail, Garfield, Flandreau and Deuel.

District No. Three shall consist of the counties of Blaine, Custer and the portion of the county of Deuel north of the seventh standard parallel.

District No. Four shall consist of the counties of Sargent, Dickey and McIntosh.

District No. Five shall consist of the counties of Stutsman, Barnes, Wells, Foster, Eddy and Teton.

District No. Six shall consist of the counties of Kidder, Sheridan, McLean, Morton, Oliver, McPherson, Hettinger, Bowman, Billings, McKensie, Deuel and that portion of the Sioux Indian reservation south of the seventh standard parallel.

§ 106. The legislative assembly may whenever the members of each house shall concur therein, but not oftener than once in four years increase the number of said judicial districts and judges thereof; such districts shall be formed by county lines, but such in the boundaries of the districts shall not work a removal of a judge from his office during the term for which he was elected or appointed.

§ 107. No person shall be eligible to the office of judge unless he be learned in the law, be at least twenty-one years of age and a citizen of the United States, nor unless he be a resident within the State or Territory of Dakota at least one year preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.

...the jurisdiction of said county courts shall be the same as those of the district judge, except that the judge shall receive such salary for his services as may be provided by law. In case the voters of any county decide to increase the jurisdiction of said county courts, then such jurisdiction shall remain until otherwise provided by law.

JUSTICES OF THE PEACE

The legislative assembly shall provide by law for the election of the peace in each organized county within the number of said justices to be elected in each organized county limited by law to such a number as shall be necessary for the administration of justice. The justices of the peace shall have concurrent jurisdiction with the district judge in all civil actions when the amount in controversy, in any county court with criminal jurisdiction exists they shall have jurisdiction to hear and determine cases of misdemeanor which may have been conferred upon police magistrates. The qualifications of the judge of the county shall be the same as those of the district judge, except that the judge shall receive such salary for his services as may be provided by law. In case the voters of any county decide to increase the jurisdiction of said county courts, then such jurisdiction shall remain until otherwise provided by law.

§ 114. Judges of the district courts shall hold their offices for terms longer than their own under such regulations as may be prescribed by law.

§ 117. No judge of the supreme or district court shall be an attorney or counselor at law.

§ 118. Until the legislative assembly shall otherwise provide by law, the terms of courts, the judges of the same and the mode of their election shall fix the terms thereof.

§ 119. No judge of the supreme or district court shall be appointed to any other than judicial office during the term for which he was elected or appointed, nor shall he receive any votes or appointments for either of them for any other office except that of judge of the supreme or district court given by the legislative assembly of the people.

§ 120. Tribunals of conciliation may be established by law, and their powers and duties as shall be prescribed by law, or the powers and duties of such may be conferred upon other courts of justice, or upon tribunals or other courts when sitting as such, and their decisions shall render judgment to be obligatory on the parties, and they shall voluntarily submit their matters of difference and agreement to the judgment of such tribunals or courts.

ARTICLE 5

ELECTIVE FRANCHISE

§ 121. Every male person of the age of twenty-one years or over, and belonging to either of the following classes, who has resided in the state one year, in the county six months and in the precinct thirty days next preceding any election, shall be deemed a qualified elector at such election:

1. Citizens of the United States.
2. Persons of foreign birth who shall have declared their intention to become citizens, one year and not more than six months before the election, conformably to the naturalization laws of the United States.

...of the United States...
...in the territory...
...shall be provided by law.

ARTICLE 6

MUNICIPAL CORPORATIONS

...ive assembly shall provide by general law for the
...municipal corporations, restricting their powers as
...and assessments, borrowing money and contracting
...raised by taxation, loan or assessment for any pur-
...diverted to any other purpose except by authority

ARTICLE 7

CORPORATIONS OTHER THAN MUNICIPAL

...of incorporation shall be granted, changed or
...law, except in the case of such municipal, chari-

* See amendments, Article 2.

§ 185. In all elections for directors of a corporation each member or shareholder may cast his vote for one candidate, or distribute these votes as he may prefer.

§ 186. No foreign corporation shall do business in this state having one or more places of business and agents in the same, upon whom process may be served.

§ 187. No corporation shall engage in any business not expressly authorized in its charter.

§ 188. No corporation shall issue stock or increase its labor done, or money or property actually received, if the increase of stock or indebtedness shall be void. The indebtedness of corporations shall not be increased without the general law, nor without the consent of the persons owning an amount in value of the stock first obtained at least ten days after sixty days' notice given in pursuance of law.

§ 189. No law shall be passed by the legislature giving the right to construct and operate a street railway, telephone or electric light plant within any city, town or village, without requiring the consent of the local authority having the control of the street or highway proposed to be used for such purposes.

§ 140. Every railroad corporation organized in this state, under the laws or authority thereof, shall maintain a public office or place in the state for the transaction of its business, where transfers of its stock shall be made, and where shall be kept for public inspection, books in which shall be entered the amount of capital stock subscribed, and by whom subscribed, the amount owned by the subscribers, the amount of stock paid in and by whom, and the transfer of the amount of its assets and liabilities and the names of the

...of the state, and the power to enact laws regulating and controlling the transportation of passengers, baggage, mail, and freight, from one point to another in this state, and that appeal may be had to the courts of this state, but the rates fixed by the legislative body of railroad commissioners shall remain in force until the courts...

...or corporation organized for the purpose to construct and operate a railroad between any two points, and to connect at the state line with the railroads. Every railroad company shall have the right to connect, connect with or cross any other; and shall transport each other's passengers, tonnage and cars, without delay or discrimination.

...corporation," as used in this article, shall not include municipalities or political subdivisions unless otherwise expressly stated, but it shall be held to include all associations and joint stock companies having the powers or privileges of corporations not partnerships or partnerships.

...banking law be enacted, it shall provide for the countersigning by an officer of the state, of all notes for circulation, and that ample security to the full value shall be deposited with the state treasurer for the redemption of such notes or bills.

...combination between individuals, corporations, associations, or any other person, having for its object or effect the controlling of the price of any product of the soil or any article of manufacture, the cost of exchange or transportation, is prohibited and is declared unlawful and against public policy; and any contract, agreement, or franchise heretofore granted or extended, or that may be granted or extended in this state, whenever the owner thereof shall violate this article shall be deemed annulled and void.

...the same shall be sold at any time after the expiration of the term for which the same were leased, but the legislative assembly shall provide for the same in accordance with the provisions of this article. The same shall never be sold, but the legislative assembly may lease the same for leasing the same. The words "lands" shall include lands bearing lignite coal.

The superintendent of public instruction, governor, attorney general and state auditor shall constitute a board of "University Lands," and subject to the provisions of this article that may be passed by the legislative assembly, shall have control of the appraisement, sale, rental and lease of university lands, and shall direct the sale of lands arising therefrom in the hands of the state subject to the limitations in section 160 of this article.

The county superintendent of common schools, the chairman of the board, and the county auditor shall constitute a board of "School Lands" and under the authority of the state board of university lands shall appraise all school lands within the county which they may from time to time recommission and designate for sale the most valuable lands and shall be sold for less than the appraised value and for less than \$10 per acre. The purchaser shall pay one-fifth in cash and the remaining four-fifths as follows: one-fifth in five years, one-fifth in ten years, one-fifth in fifteen years and one-fifth in twenty years with interest at the rate of not less than five per cent payable annually in advance. All sales shall be held at the seat of the county in which the land to be sold is situated and shall be at public auction and to the highest bidder, after advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of the county in which lands as shall not have been specially subdivided into tracts of one-quarter section, and those so subdivided into the smallest subdivisions. All lands designated for sale shall be sold within two years after appraisal shall be reappraised

...the same shall be subject to all the conditions as to the same for the appraisal and sale of lands for the support of schools; but a distinct and separate account shall be kept by the proper officers of each of said funds, previous to the time in which school land may be granted for the support of common schools.

§ 161. The legislative assembly shall have the power to pass a law for the leasing of lands granted to the support of charitable purposes; but no such law shall authorize the leasing of said lands for a longer period than five years, and no such lands shall be leased for pasturage and meadow purposes, unless after notice as heretofore provided in case of lands of said school lands now under cultivation may be leased, in the discretion and under the control of the board of school lands, for other than pasturage and meadow purposes, and rents shall be paid in advance.

§ 162. The moneys of the permanent school fund and of the other funds shall be invested only in bonds of the state within the state, bonds of the United States, bonds of the State of North Dakota or in first mortgages on farm lands, the amount of which exceeding in amount one-third of the actual value of the land on which the same may be loaned, such value to be determined by the board of appraisers of school lands.*

§ 163. No law shall ever be passed by the legislative assembly granting to any person, corporation or association the right to occupy lands by reason of the occupation, cultivation or improvement of such lands by said person, corporation or association, or to require a survey thereof by the general government. No claim to the occupation, cultivation or improvement of any public lands shall be recognized, nor shall such occupation, cultivation or improvement

* See amendment, Article 6, 1901.

... shall be taken to be prima facie evidence of such

ARTICLE 10

COUNTY AND TOWNSHIP ORGANIZATION

All counties in the Territory of Dakota lying north of the standard parallel, as they now exist, are hereby defined as counties of the State of North Dakota.

The legislative assembly shall provide by general law for the organization of counties, locating the county seats thereof temporarily, changing county lines; but no new county shall be organized unless any organized county be so reduced as to include not more than twenty-four congressional townships, and contain a population of less than one thousand bona fide inhabitants.

In the organization of new counties and in changing the lines of counties and boundaries of congressional townships the following principles shall be observed as nearly as may be:

1. Changes in the boundaries of organized counties before the next general election shall be submitted to the electors of the county or counties affected thereby at a general election and be adopted by a majority of the legal votes cast in each county at such election;

2. If any portion of an organized county is stricken off and added to another, the county to which such portion is added shall holden for an equitable proportion of the indebtedness of the county so reduced.

3. The legislative assembly shall provide by general law for the location of county seats in organized counties, but it shall have no power to move the county seat of any organized county.

§ 172. Until the system of county government provided for in this constitution is adopted, the business of said county shall be transacted by a board of county commissioners. Said board shall consist of not less than three members whose terms of office shall be as provided by law. Said board shall hold sessions for the transaction of business as provided by law.

§ 173. At the first general election held under this constitution, and every two years thereafter, in each organized county in the state, a county register of deeds, county auditor, treasurer and sheriff, who shall be electors of the county in which they shall hold their office until their successors are qualified. The legislative assembly shall provide for the election of county, township and district officers as hereinafter provided and shall prescribe the duties and compensation of county, township and district officers. The sheriff and treasurer shall not hold their respective offices for more than one succession.

ARTICLE 11

REVENUE AND TAXATION

§ 174. The legislative assembly shall provide for the revenue sufficient to defray the expenses of the state for the year and shall not exceed in any one year four mills on the dollar of the valuation of all taxable property in the state, to be assessed on the assessment made for state and county purposes. The legislative assembly shall provide a sum to pay the interest on the state debt.

§ 175. No tax shall be levied except in pursuance of a law imposing a tax shall state distinctly the object for which only it shall be applied.

...shall be assessed in accordance with the provisions of this article, and shall not be considered as an improvement on the land for the purpose of assessment. No contract shall ever be surrendered or assigned in whole or in part to which the state or any county or corporation shall be a party.

...except as hereinafter in this section provided, the county, city, township, town, village or district shall be assessed, in the manner prescribed by law. The value of the roads, rails and rolling stock of all railroads shall be assessed by the state board of equalization, and such assessed valuation shall be apportioned to the counties, cities, towns, townships and districts in which they are located, as a basis for taxation of such property in proportion to the number of miles of railway laid in such counties, cities, towns, townships and districts.

...the legislative assembly may provide for the levy, collection and payment of an annual poll tax of not more than one cent on every male inhabitant of this state over the age of twenty-one years and under fifty years of age, except paupers, idiots, insane persons and Indians not taxed.

...the legislative assembly shall pass all laws necessary to carry out the provisions of this article.

ARTICLE 12

PUBLIC DEBT AND PUBLIC WORKS

...the state may, to meet casual deficits or failure in the revenue, in case of extraordinary emergencies, contract debts, but

* See amendments, Article 5.

§ 183. The debt of any political subdivision shall not exceed the assessed value of the real estate in such district as any other political subdivision may incur, but shall not exceed five per cent of the assessed value of the real estate in such district. It is further provided, that any incorporated city or town may incur such indebtedness three per cent of the assessed value of the real estate in such city or town, but not exceeding said five per cent limit. In addition to the amount of such indebtedness, any city, county, township, school district or other political subdivision may incur, the entire amount of such indebtedness contracted prior or subsequent to the date of the adoption of this constitution shall be included; provided, further, that no city or township shall become indebted in any amount not exceeding three per cent of the assessed value of the real estate in such city, for the purpose of constructing a water supply system for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, or for any other purpose whatsoever. All bonds or obligations in violation of the provisions of this indebtedness permitted by this constitution, shall be void.

§ 184. Any city, county, township, town, or other political subdivision incurring indebtedness at the time of so doing, provide for the collection of such indebtedness sufficient to pay the interest and also the principal of such indebtedness, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrevocable and shall not be repealed.

§ 185. Neither the state nor any county, city, township, school district or any other political subdivision shall give credit or make donations to or in aid of any individual, partnership or corporation, except for necessary support of any public institution, nor shall the state subscribe to or become the owner of the capital stock of any individual, partnership or corporation, nor shall the state engage in any public improvement unless authorized by a two-thirds vote of the legislature.

§ 186. No money shall be paid out of the state treasury for any appropriation by law and on warrant drawn by the state, or for any bills, claims, accounts or demands against the state or any other political subdivision, shall be audited, allowed or paid.

... shall be provided by law, in such a manner as shall be provided by law, for the organization or laws of the United States. The assembly shall provide by law for the establishment of organizations of the several arms of the service, to be known as active militia; and no other organized body shall be permitted to perform military duty in this territory of the United States, without the proclamation of the state.

Militia officers shall be appointed or elected in such a manner as the legislative assembly shall provide. Commissioned officers of the militia shall be commissioned by the governor, and no commissioned officer shall be removed from office by sentence of court martial, pursuant to law. Militia forces shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at parades and elections of officers, and in going to and from the same.

ARTICLE 14

IMPEACHMENT AND REMOVAL FROM OFFICE

The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment. Impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation according to the law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside.

FUTURE AMENDMENTS

§ 201. Any amendment or amendments to this constitution proposed in either house of the legislative assembly shall be agreed to by a majority of the members of each of the two houses, such proposed amendment shall be reported to the house with the yeas and nays taken thereon, and the legislative assembly to be chosen at the next general election shall be published, as provided by law, for the next chosen as aforesaid such proposed amendment shall be agreed to by a majority of all the members of the house, then it shall be the duty of the legislative assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the legislative assembly shall determine, and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote in the legislative assembly voting thereon, such amendment or amendments shall become a part of the constitution of this state, and all amendments shall be submitted at the same time in such manner that the electors shall vote for or against of such amendments separately.

ARTICLE 16

COMPACT WITH THE UNITED STATES

§ 203. The following article shall be irrevocable and shall be a part of the compact between the United States and the people of this state.

1. Perfect toleration of religious sentiment shall be secured to every inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

...of the Territory of Dakota, which has been...
...of congress granting the same...
...of the debts and liabilities...
...of the Territory of Dakota...
...for and made, and in pursuance of the...
...of congress approved February 22, 1889, an...
...provide for the division of Dakota into two states...
...of North Dakota, South Dakota, Montana...
...form constitutions and state governments and to...
...the union on an equal footing with the original...
...the donations of public lands to such states," the...
...North Dakota and South Dakota, by proceedings of a joint...
...appointed under said act, the sessions whereof were...
...in said State of North Dakota, from July 16, 1889...
...inclusive, have agreed to the following adjustment...
...of the debts and liabilities of the Territory of Dakota...
...assumed and paid by each of the States of North...
...South Dakota, respectively, to wit:
...shall take effect and be in force from and after the...
...the union, as one of the United States of America, of...
...of North Dakota or the State of South Dakota.
...State of North Dakota," wherever used in this agree-
...then to mean the Territory of North Dakota in case...
...South Dakota shall be admitted into the union prior to...
...to the union of the State of North Dakota; and the...
...of South Dakota," wherever used in this agreement,
...to mean the Territory of South Dakota in case the...
...Dakota shall be admitted into the union prior to the...
...the union of the State of South Dakota.
...State of North Dakota shall assume and pay all bonds...
...Territory of Dakota to provide funds for the purchase...
...repairs or maintenance of such public institutions...
...buildings as are located within the boundaries of North

...of the Territory, being chapter 107 of the laws of the Territory, which said sum going to the Territory, and the sum between the states of North Dakota and South Dakota, the sum hereinafter or hereafter paid into the Treasury of the United States, based on the act of March 8, 1889, shall be distributed as already provided, and as much thereof as goes to the several states shall be distributed as follows: North Dakota shall pay as much thereof as has been or has been paid by railroads within the Territory of North Dakota; and South Dakota shall pay as much thereof as has been or has been paid by railroads within the Territory of South Dakota; each state shall be liable for its share of the balances of appropriations made by the several Congresses of the Territory of Dakota for the account of the purchase of lands, grounds or buildings situated within its limits, as provided in the act suspended on March 8, 1889. If there shall be a surplus at the time of such final adjustment, except the indebtedness represented by the bonds and other obligations hereinbefore mentioned, each state shall at the time of such final adjustment, assume its share of said surplus, as determined by the amount paid on account of the purchase of lands, grounds or buildings of such state in excess of the amount received from counties, municipalities, railroad corporations or persons within its limits, as provided in this article; and if there shall be a surplus at the time of such final adjustment, each state shall be entitled to the amounts received from counties, municipalities, railroad corporations or persons within its limits over and

above the amount charged it. And the State of North Dakota hereby obligates itself to pay such part of the debts and liabilities of the Territory of Dakota as is declared by the foregoing agreement to be its proportion thereof, the same as if such proportion had been originally created by said State of North Dakota as its own debt or liability.

§ 204. Jurisdiction is ceded to the United States over the military reservations of Fort Abraham Lincoln, Fort Buford, Fort Pembina and Fort Totten, heretofore declared by the president of the United States; provided, legal process, civil and criminal, of this state, shall extend over such reservations in all cases in which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

§ 205. The State of North Dakota hereby accepts the several grants of land granted by the United States to the State of North Dakota by an act of congress, entitled "An act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments, and to be admitted into the union on equal footing with the original states, and to make donations of public lands to such states," under the conditions and limitations therein mentioned; reserving the right, however, to apply to congress for modification of said conditions and limitations in case of necessity.

ARTICLE 17

MISCELLANEOUS

§ 206. The name of this state shall be "North Dakota." The State of North Dakota shall consist of all the territory included within the following boundary, towit: Commencing at a point in the main channel of the Red River of the North, where the forty ninth degree of north latitude crosses the same; thence south up the main channel of the same and along the boundary line of the State of Minnesota to a point where the seventh standard parallel intersects the same; thence west along said seventh standard parallel produced due west to a point where it intersects the twenty-seventh meridian of longitude west from Washington; thence north on said meridian to a point where it intersects the forty-ninth degree of north latitude; thence east along said line to place of beginning.

§ 207. The following described seal is hereby declared to be and hereby constituted the Great Seal of the State of North Dakota, towit: A tree in the open field, the trunk of which is surrounded by three bundles of wheat; on the right a plow, anvil and sledge; on the left a bow crossed with three arrows, and an Indian on horseback pursuing a buffalo toward the setting sun; the foliage of the tree arched by a half circle of forty-two stars, surrounded by the motto "Liberty and Union, Now and Forever, One and Inseparable;" the words "Great Seal" at the top, the words "State of North Dakota" at the bottom; "October 1st" on the left and "1889" on the right. The seal to be two and one-half inches in diameter.

§ 208. The right of the debtor to enjoy the comforts and necessities of life shall be recognized by wholesome laws, exempting from forced sale to all heads of families a homestead, the value of which

shall be limited and defined by law, and a reasonable amount of personal property; the kind and value shall be fixed by law. This section shall not be construed to prevent liens against the homestead for labor done and materials furnished in the improvement thereof, in such manner as may be prescribed by law.

§ 209. The labor of children under twelve years of age shall be prohibited in mines, factories and workshops in this state.

§ 210. All flowing streams and natural water courses shall forever remain the property of the state for mining, irrigating and manufacturing purposes.

§ 211. Members of the legislative assembly and judicial department, except such inferior officers as may be by law exempted shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of North Dakota; and that I will faithfully discharge the duties of the office of _____ according to the best of my ability, so help me God" (if an oath), (under pains and penalties of perjury), if an affirmation, and no other oath, declaration, or test shall be required as a qualification for any office or public trust.

§ 212. The exchange of "black lists" between corporations shall be prohibited.

§ 213. The real and personal property of any woman in this state, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property and shall not be liable for the debts of her husband.

ARTICLE 18

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT

§ 214. Until otherwise provided by law, the member of the house of representatives of the United States apportioned to this state, shall be elected at large.

Until otherwise provided by law, the senatorial and representative districts shall be formed, and the senators and the representatives shall be apportioned as follows:

The first district shall consist of the townships of Walhalla, St. Joseph, Neche, Pembina, Bathgate, Carlisle, Joliet, Midland, Lincoln and Drayton, in the county of Pembina, and be entitled to one senator and two representatives.

The second district shall consist of the townships of St. Thomas, Hamilton, Cavalier, Akra, Beaulien, Thingvalla, Gardar, Park, Crystal, Elora and Lodema, in the county of Pembina, and be entitled to one senator and two representatives.

The third district shall consist of the townships of Perth, Latona, Adams, Silvesta, Cleveland, Morton, Vesta, Tiber, Medford, Vernon, Golden, Lampton, Eden, Rushford, Kensington, Dundee, Ops, Prairie Center, Fertile, Park River and Glenwood, in the county of Walsh, and be entitled to one senator and two representatives.

The fourth district shall consist of the townships of Forest River, Walsh Center, Grafton, Farmington, Ardock, village of Ardock, Harrison, city of Grafton, Oakwood, Martin, Walshville, Pulaski, Acton,

The ninth district shall consist of the city of Fargo, in the county of Cass, and be entitled to one senator and two representatives.

The tenth district shall consist of the townships of Harmon, Reed, Barnes, Stanley, Raymond, Mapleton, Warren, Harrison, Madison, Addison, Davenport, Cassin, and county of Cass, and be entitled to one senator and two representatives.

The eleventh district shall consist of the townships of River, Hunter, Arthur, Amenia, Evans, Dows, Eric, Empire, Wheatland, Gill, Weyburn, Ayr, Buffalo, Howes, Eldrid, Highland, Tower, Hill, Clifton and Pontiac, in the county of Cass, and be entitled to one senator and three representatives.

The twelfth district shall consist of the townships of ... and be entitled to one senator and three representatives.

The thirteenth district shall consist of the townships of ... and be entitled to one senator and two representatives.

The fourteenth district shall consist of the townships of ... and be entitled to one senator and two representatives.

The fifteenth district shall consist of the townships of ... and be entitled to one senator and two representatives.

The sixteenth district shall consist of the townships of ... Griggs and be entitled to one senator and two representatives.

The seventeenth district shall consist of the townships of ... and be entitled to one senator and one representative.

The eighteenth district shall consist of the townships of ... and be entitled to one senator and two representatives.

The nineteenth district shall consist of the townships of ... Rolette, and be entitled to one senator and one representative.

...of the unincorporated counties lying south of
...to one senator and one repre-

ARTICLE 19

...public institutions of the state are perma-
...places hereinafter named, each to have the lands
...by the United States, in the act of congress,
...1860, to be disposed of and used in such man-
...assembly may prescribe, subject to the limita-
...article on school and public lands contained in

...government at the city of Bismarck, in the
...State University and the School of Mines at the city
...in the county of Grand Forks.
...Agricultural College at the city of Fargo, in the county

...Normal School at the city of Valley City, in the
...; and the legislative assembly in apportioning the
...thousand acres of land for normal schools made in
...referred to shall grant to the said normal school
...as aforementioned, fifty thousand (50,000) acres,

First. A Soldiers Home, or such other institution as the legislative assembly may determine, at such place as the qualified electors of said county may determine, with a grant of thirty thousand acres.

Second. A Blind Asylum, or such other institution as the legislative assembly may determine, at such place as the qualified electors of said county may determine, to be held as prescribed by the legislative assembly, with a grant of thirty thousand acres.

Third. An Industrial School and School of Agriculture, or such other educational or charitable institution as the legislative assembly may provide, at the town of Dickey, with a grant of forty thousand acres.

Fourth. A School of Forestry, or such other institution as the legislative assembly may determine, at such place as the qualified electors of McHenry, Ward, Bottineau or Rolette counties may determine by an election for that purpose, with a grant of forty thousand acres, as provided by the legislative assembly.

Fifth. A Scientific School, or such other institution as the legislative assembly may determine, at the town of Wahpeton, county of Richland, with a grant of forty thousand acres, provided, that no other institution of a character similar to those located by this article shall be established without a revision of this constitution.

^a See amendment, Article 3.

^b See amendment, Article 3.

the county courts of the territory, and the judges of the same shall hold and exercise their respective offices, and perform their several duties and functions, as they have done if this constitution had not taken effect; and the jurisdiction, powers, duties and qualification of the judges of the county courts in this constitution, the probate judges of the county courts within their respective counties, and the probate court in each county shall be the same as therein, until the said court shall have been organized.

§ 9. The terms "probate court" or "probate judge" occurring in the statutes of the territory, when this constitution goes into effect, be held to apply to the probate judge.

§ 10. All territorial, county and precinct officers in office at the time this constitution takes effect, shall hold and exercise their respective offices, and perform their duties thereof as prescribed in this constitution, until they shall be elected and qualified in accordance with this constitution, and official bonds of all such officers shall have full force and effect as though this constitution had not taken effect, and such officers for their term of service, under this constitution or by the laws of the territory, provided, that the county and precinct officers shall receive the same salaries and compensation as they were for the term for which they were elected. There shall be one election in each organized county in this state, at the election for the ratification of this constitution, a clerk of the election shall hold his office under said election until his

...in the same manner as provided by law...

...and members of the legislative assembly, shall...

...hereinafter provided for:

...secretary and chief justice, or a majority of...

...board of canvassers to canvass the vote of...

...and district officers and members of the...

...The said board shall assemble at the seat of...

...territory on the fifteenth day after the day of...

...the following day if such day falls on Sunday);

...the votes on the adoption of this constitution...

...and district officers and members of the legislative...

...provided by the laws of the territory for can-

...for delegate to congress, and they shall issue certifi-

...to the persons found to be elected to said offices...

...shall make and file with the secretary of the territory...

...by them, of the number of votes cast for or...

...of the constitution, and for each person for...

...offices, and of the total number of votes cast in each...

...elected at such election shall, within sixty days after...

...executive proclamation admitting the State of North...

...the union, take the oath required by this constitution,

...the bond required by the law of the territory to be...

...of like officers of the territory and districts, and shall...

...upon the duties of their respective offices; but the...

...may require by law all such officers to give other...

...as a condition of their continuance in office.

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... North Dakota and
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... agreement is in
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... records and archives
... of North Dakota,

...in copies of the same...
...and state of North Dakota is to...
...earnings of the year 1888 in the case of...
...operating lines of railroad situated wholly...
...North Dakota. Records and papers...
...the examiner of the second district of the territory...
...of the office of the district board of agriculture...
...in the office of the board of pharmacy of the dis...
...Dakota.
...books and archives of the Territory of Dakota which...
...agreed shall be the property of North Dakota, shall...
...South Dakota.
...books shall be copied and the copies shall be the...
...North Dakota and the cost of such copies shall be borne...
...states of North Dakota and South Dakota, that is...
...Ledger for years ending November 1889-90—one...
...Current Warrant Register—one volume.
...Record for 1889—one volume.
...Cash Book—"D."
...Ledger—"B."
...Territory Bond Register—one volume.
...Current Ledger—one volume.
...of the foregoing volumes which are to be copied...
...time after such copying shall have been completed be...
...demand to the proper authorities of the State of South...
...records, books and archives which it is hereby agreed...
...property of South Dakota, shall remain at the capitol

§ 24. In case the territorial officers of the territory, or any of them who are now required by law to publish such reports covering the transactions of the legislative assembly shall make sufficient provision for the publication of such reports, the territory shall pay one-half of the cost of such publication.

§ 25. The governor and secretary of the territory shall be authorized to make arrangements for the meeting of the legislative assembly, and the inauguration of the state government.

§ 26. The legislative assembly shall provide for the publication, in an independent volume, of the Declaration of Independence, the Constitution of the territory, and the Enabling Act, as soon as it shall take effect, and whenever it shall be amended, and shall cause to be published in the territory the Declaration of Independence, the Constitution of the territory, and the Enabling Act.

Done at Bismarck, Dakota, in open convention, this 15th day of August, A. D. 1889.

F. B. FARMER

JOHN G. HAMILTON, *Chief Clerk.*

shall have power in conjunction with the governor shall be ex officio a member of the board which shall consist of the attorney general, the chief justice of the supreme court, the chief justice of the supreme court of the District of Columbia, and two qualified electors who shall be appointed by the governor, to remit fines and forfeitures, to grant commutations and pardons after conviction for all crimes except cases of impeachment; but the legislative assembly shall regulate the manner in which the remission of fines, commutations and reprieves may be applied for. Upon application the governor shall have the power to suspend the execution of sentence until the case shall be reported to the legislative assembly at its next regular session, when the legislative assembly may pardon or commute the sentence, direct the execution of the sentence or grant further reprieve. The governor shall communicate to the legislative assembly at each regular session each case of fine, reprieve, commutation or pardon granted by the governor, stating the name of the convict, the crime for which he was convicted, the sentence and its date and the date of remission, pardon or reprieve, with their reasons for grant-

ARTICLE 4

property, except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in

§ 100. The moneys of the permanent school funds, shall be invested only in bonds of or of counties or townships within the State, bonds of the State of North Dakota, first mortgages on farm lands in the state, and one-third the actual value of any subdivisions be loaned, such value to be determined by the school lands.

...the territory northwest of the
...authorized to form for themselves
...government and to assume such name as they
...the said State, when formed, shall be admitted
...the same footing with the original States in all

...That the said State shall not
...included within the following boundaries, to
...the east by the Pennsylvania line, on the south by
...the mouth of the Great Miami River, on the west
...line north from the mouth of the Great Miami
...the north by an east and west line drawn through
...of Lake Michigan, running east after inter-
...north line aforesaid, from the mouth of the Great
...shall intersect Lake Erie or the territorial line, and
...the same through Lake Erie to the Pennsylvania line
...That Congress shall be at liberty at any time
...to attach all the territory lying east of the line to be

...east of the Mississippi and north of the Ohio and west of Penn-
...had been under the jurisdiction of the province of Quebec
...was claimed by Virginia, which State formally ceded
...Federal Government, upon condition that it should be formed
...States of Massachusetts, Connecticut, and New York also
...claims, claims to jurisdiction over western lands under their
...charters.

...to grant one-thirty-sixth of public lands in Ohio for school
...1805; and the act to fix the boundaries of, May 20, 1812.

...shall be granted, or disposed of, in such manner as may be most conducive to the benefit of the said State, for the use of schools, for the said military reservation, including the salt springs, the Florida salt springs, the salt springs near the said military tract, with the sections of land thereon, shall be granted to the said State for the use thereof, the same to be used under such terms and conditions as the legislature of the said State shall determine: *Provided*, the said legislature shall never sell nor lease the same for a longer term than ten years.

One-twentieth part of the net proceeds of the lands sold by the said State sold by Congress, from and after the year next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, and navigable waters emptying into the Atlantic, to be laid out in the said State, and through the same, such roads to be laid out by the authority of Congress, with the consent of the said State, through which the road shall pass: *Provided* always, that the foregoing propositions herein offered are on the condition that the convention of the said State shall provide, by an act to be passed without the consent of the United States, that the said tract of land sold by Congress from and after the year next, shall be and remain exempt from any tax or duty levied or under authority of the State, whether for State, or for any other purpose whatever, for the term of five years, commencing after the day of sale.

April 30, 1802.
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the United States which are not local in
force and effect within the limits of
the United States.

SEC. 2. *Be it further enacted,* That the
district and be called the Ohio district, and
therein, to consist of one judge, who shall
and be called a district judge. He shall
ment of the said State three sessions annually
on the first Monday in June next, and thence
gressively on the like Monday of every four
wards, and he shall, in all things, have and exer-
tion and powers which are by law given to the
district; he shall appoint a clerk for the said
and keep the records of the court at the place
and shall receive for the services performed by
which the clerk of the Kentucky district
services.

SEC. 3. *Be it further enacted,* That there shall be
judge of the said district court the annual compensation of
sand dollars, to commence from the date of his appointment,
paid quarter-yearly at the Treasury of the United States.

SEC. 4. *Be it further enacted,* That there shall be appointed
said district a person learned in the law to act as clerk of the
United States, who shall, in addition to his stated salary of
United States two hundred dollars annually, as provided for
for all extra services.

SEC. 5. *And be it further enacted,* That a marshal shall be
pointed for the said district, who shall perform the duties of
subject to the same regulations and penalties, and shall receive the
same fees as are prescribed to marshals in other districts, and
moreover be entitled to the sum of two hundred dollars annually
a compensation for all extra services.

Approved, February 19, 1803.

...the legislative authority of this State shall be vested in a general assembly, which shall consist of a senate and house of representatives, to be elected by the people, on the second Tuesday of October, one year after the first meeting of the general assembly, and in every subsequent term of four years, an election shall be held by the white male inhabitants above twenty-one years of age in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such elections, be fixed by the legislature, and apportioned among the counties according to the number of white male inhabitants above twenty-one years of age in each; and shall never be less than thirty-six, nor greater than thirty-six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-five thousand, and after that event, at such ratio that the whole number of representatives shall never be less than thirty-six, nor more than fifty.

The representatives shall be chosen annually, by the citizens of each county, respectively, on the second Tuesday of October. No person shall be a representative who shall not have attained to the age of twenty-five years, and be a citizen of the United States, and an inhabitant of this State; shall also have resided within the county in which he shall be chosen one year next preceding the election, unless he shall have been absent on the public business of the State.

The Convention, of the Territory of the United States Northwest, assembled at Chillicothe, on Monday the First Day of November, 1802, and of the Independence of the United States the Twenty-second Day of July, 1802, by authority. Columbus: George Nashee, State Printer.

Report of the Secretary of State to the Governor of the State of Ohio, for the year 1876. Statistical Report to the General Assembly for the year 1876. J. W. & Myers, State Printers, 1877. pp. 35-74. The constitution was framed by a convention which assembled at Chillicothe, on the 29th of November, 1802, and completed its labors November 29, 1802. It was then submitted to the people for ratification.

...to provide for the...
...within the said State of Ohio...
...by the Senate and the
...United States of America in Congress assembled...
...the United States which are not local...
...same force and effect within the said State...
...the United States.

SEC. 2. *Be it further enacted*, That the...
district and be called the Ohio district, and...
therein, to consist of one judge, who shall...
and be called a district judge. He shall...
ment of the said State three sessions annually...
on the first Monday in June next, and thereafter...
gressively on the like Monday of every four...
wards, and he shall, in all things, have and...
tion and powers which are by law given to the...
district; he shall appoint a clerk for the said...
and keep the records of the court at the place...
and shall receive for the services performed...
which the clerk of the Kentucky district...
services.

SEC. 3. *Be it further enacted*, That there shall...
judge of the said district court the annual compensation...
and dollars, to commence from the date of his...
paid quarter-yearly at the Treasury of the United States.

SEC. 4. *Be it further enacted*, That there shall...
said district a person learned in the law to act as...
United States, who shall, in addition to his stated...
United States two hundred dollars annually, as...
for all extra services.

SEC. 5. *And be it further enacted*, That a...
pointed for the said district, who shall perform...
subject to the same regulations and penalties, and...
same fees as are prescribed to marshals in other...
moreover be entitled to the sum of two hundred...
a compensation for all extra services.

Approved, February 19, 1803.

... shall have the right to ...
... shall have the right to ...
... shall have the right to ...

Sec. 8. The senate and house of representatives shall each choose a speaker and clerk, and shall determine the qualifications and elections of the members of each house; two-thirds of each house shall be necessary to pass any bill; but a smaller number may be required to compel the attendance of absent members.

Sec. 9. Each house shall keep a journal of its proceedings, and the yeas and nays of the members shall, at the desire of any two of them, be entered on the same.

Sec. 10. Any two members of either house may present a petition, and shall have the right to read it and to discuss it; and any two members of either house may present a bill, and shall have the right to read it and to discuss it; and any two members of either house may present a resolution, and shall have the right to read it and to discuss it; and any two members of either house may present a memorial, and shall have the right to read it and to discuss it; and any two members of either house may present a petition, and shall have the right to read it and to discuss it; and any two members of either house may present a bill, and shall have the right to read it and to discuss it; and any two members of either house may present a resolution, and shall have the right to read it and to discuss it; and any two members of either house may present a memorial, and shall have the right to read it and to discuss it.

Sec. 11. Each house may determine the rules of its proceedings, and may punish its members for disorderly behavior; and may, with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary to the legislature of a free and independent State.

Sec. 12. When vacancies happen in either house, the governor shall have the power of the government to fill such vacancies.

Sec. 13. Senators and representatives shall, in person, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and from the same; and for any speech or debate in the same shall not be questioned in any other place.

Sec. 14. Each house may punish by imprisonment any person, not a member, who shall be brought before it, by any disorderly or contemptuous conduct, during its session: *Provided*, Such imprisonment shall not exceed twenty-four hours.

...shall be drawn from the treasury but in conformity with the appropriations made by law. A separate statement of the receipts and expenditures of the treasury shall be attached to and published with the laws of the State. The members of the general assembly shall have the sole power of impeachment; a majority of all the members must concur in an impeachment. All impeachments shall be tried by the senate, and for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence; no person shall be acquitted without the concurrence of two-thirds of all the members present.

The governor, and all other civil officers under this State, shall be liable to impeachment for any misdemeanor in office; but in such cases shall not extend further than removal from office and disqualification to hold any office of honor, profit, or trust. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to law.

The first session of the general assembly shall commence on the first Monday of March next; and forever thereafter the general assembly shall meet on the first Monday of December in every year, or other period, unless directed by law, or provided for in the constitution.

SECTION 1. The supreme executive power shall be vested in a governor.

SEC. 2. The governor shall be chosen by ballot of the general assembly, on the second day of January, at the same places and in the same manner that is provided for members thereof. The returns of such elections shall be sealed up and transmitted to the clerk of the returning officers, directed to the speaker of the house to open and publish them in the presence of a committee of each house of the general assembly. The greatest number of votes shall be governor; but in case of an equal and highest in votes, then one of them shall be chosen by joint ballot of both houses of the general assembly. The elections for governor shall be determined by the general assembly in such manner as shall be prescribed.

SEC. 3. The first governor shall hold his office from the first of December, one thousand eight hundred and eighty-two. The governor shall be elected and qualified to office on the first of January. Another governor shall be elected and qualified to office on the first of January, and shall be eligible more than six years in any term of eight years. He shall be at least thirty years of age, and have been a citizen of the United States twelve years, and an inhabitant of this State for one year preceding his election.

SEC. 4. He shall, from time to time, give to the general assembly information of the state of the government, and he shall, on the consideration such measures as he shall deem expedient.

SEC. 5. He shall have the power to grant reprieves and pardons after conviction, except in cases of impeachment.

SEC. 6. The governor shall, at stated times, receive a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 7. He may require information, in writing, from any officer in the executive department, upon any subject relating to the

...the governor, until he be acquitted, or until he be removed from office, resignation, or death, the speaker of the house of representatives shall execute the duties thereof, until a person is appointed and qualified.

...member of Congress, or person holding any office under the United States, shall execute the office of governor of this State, until he be acquitted, or until he be removed from office, resignation, or death, the speaker of the house of representatives shall execute the duties thereof, until a person is appointed and qualified.

...shall be a seal of this State, which shall be kept by the governor, and used by him officially, and shall be called "The Seal of the State of Ohio."

...warrants and commissions shall be in the name and by the authority of the State of Ohio, sealed with the seal, signed by the governor, and countersigned by the secretary.

...secretary of state shall be appointed by joint ballot of the senate and house of representatives, who shall continue in office until he shall so long behave himself well: he shall keep a record of the official acts and proceedings of the governor; and he shall, when required, lay the same, and all papers, minutes, and reports, relative thereto, before either branch of the legislature; and he shall perform such other duties as shall be assigned him by law.

ARTICLE III

The judicial power of this State, both as to matters of law and equity, shall be vested in a supreme court, in courts of common pleas, in each county, in justices of the peace, and in such other courts as the legislature may, from time to time, establish.

The supreme court shall consist of three judges, any two of whom shall be a quorum. They shall have original and appellate jurisdiction, both in common law and chancery, in such cases as shall be prescribed by law; *Provided*, That nothing herein contained shall prevent the general assembly from adding another judge to the court, after the term of five years, in which case the judges

...all other...
...and returning...
...shall have full power...
...of being absent...
...in this article...
...male persons, above the age of...
...on the roads of their respective...
...who have resided one year in the State...

Article V

...captains and subalterns in the militia shall be elected...
...in their respective company-districts subject to...
...shall be elected by the captains and subalterns of...
...shall be elected by the majors, captains, and sub...
...regiment.
...officers-general shall be elected by the commissioned...
...respective brigades.
...general and quartermasters-general shall be ap...
...ballot of both houses of the legislature.
...governor shall appoint the adjutants-general. The...
...shall appoint their aids and other staff officers; the...
...general shall appoint their brigade-majors and other...
...officers. The commanding officers of regiments shall...
...adjutants, quartermasters, and other regimental staff...
...the captains and subalterns shall appoint their non-...
...officers and musicians.
...the captains and subalterns of the artillery and cavalry...
...by the persons enrolled in their respective corps, and...
...and colonels shall be appointed in such manner as shall...
...law. The colonels shall appoint their regimental staff...
...captains and subalterns their non-commissioned officers and

Section 1. Every person who shall hold any office of trust or profit under the authority of the entering on the execution thereof, shall support the Constitution of the United States, also an oath of office.

Sec. 2. Any elector who shall receive any vote, in meat, drink, money, or otherwise, as payment as the laws shall direct; and any person who shall indirectly, give, promise, or bestow any such thing, shall thereby be rendered incapable for two years for which he was elected, and be subject to punishment as shall be directed by law.

Sec. 3. No new county shall be established by which shall reduce the county or counties, as to which it shall be taken, to less contents than ten miles; nor shall any county be laid off of less than one county, as to the right of suffrage and representation, as a part of the county or counties from which it is entitled by numbers to the right of representation.

Sec. 4. Chillicothe shall be the seat of government of one thousand eight hundred and eight. No meeting shall be held until the year one thousand eight hundred and ninety of this State, for the purpose of erecting public buildings for the accommodation of the legislature.

Sec. 5. That, after the year one thousand eight hundred and ninety whenever two-thirds of the general assembly shall vote to amend or change this constitution, they shall call a convention of electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall be the majority of the citizens of the State, voting for or against a convention, the general assembly shall, at its next session, call a convention, to consist of as many members as shall be in the general assembly, to be chosen in the same places, and by the same electors that choose the members of the general assembly.

Section 1. Every person who shall receive any office of trust or profit under the authority of this State, in the entering on the execution thereof, shall support the Constitution of the United States, and also an oath of office.

Sec. 2. Any elector who shall receive any office, or any salary, or any money, or any other benefit, in meat, drink, money, or otherwise, shall be subject as the laws shall direct; and any person who shall indirectly, give, promise, or bestow any such benefit, shall thereby be rendered incapable for two years for which he was elected, and be subject to penalties as shall be directed by law.

Sec. 3. No new county shall be established by this State, which shall reduce the county or counties, or counties, which it shall be taken, to less contents than five miles; nor shall any county be laid off of less than one county, as to the right of suffrage and representation, as a part of the county or counties from which the electors are entitled by numbers to the right of representation.

Sec. 4. Chillicothe shall be the seat of government of this State, one thousand eight hundred and eight. No money shall be expended until the year one thousand eight hundred and nine, for the purpose of erecting public buildings, for the accommodation of the legislature.

Sec. 5. That, after the year one thousand eight hundred and eight, whenever two-thirds of the general assembly shall vote to amend or change this constitution, they shall refer the same to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall be the majority of the citizens of the State, voting for representation, voted for a convention, the general assembly shall, at its next session, call a convention, to consist of as many members as shall be in the general assembly, to be chosen in the same manner, in the same places, and by the same electors that choose the general assembly.

Sec. 6. That the printing press shall be free to every person who wishes to minimize the prevalence of error, or the conduct of any public officer, or to restrain the right thereof. Every citizen shall have the right to speak, write, or print, upon any subject, and shall not be liable for the abuse of that liberty. In prosecutions for libel respecting the official conduct of men in office, where the matter published is proper for publication, and where the truth thereof may always be given in evidence, no damages for libels, the jury shall have a right to inquire into the facts, under the direction of the court, as in and to the effect following.

Sec. 7. That all courts shall be open, and every person shall have remedy by the due course of law, and right and justice done him in his lands, goods, person, or reputation, without denial or delay.

Sec. 8. That the right of trial by jury shall be preserved.

Sec. 9. That no power suspending the laws shall be exercised by the legislature.

Sec. 10. That no person arrested or confined in prison shall be held with unnecessary rigor, or be put to answer any charge, but by presentment, indictment, or impeachment.

Sec. 11. That in all criminal prosecutions the accused shall have the right to be heard by himself and his counsel, to demand the cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face; to have competent witnesses obtained in his favor; and, in prosecutions for misdemeanors, or presentment, a speedy public trial by an impartial jury in the county or district in which the offence shall have been committed, and shall not be compelled to give evidence against himself, and shall be twice put in jeopardy for the same offence.

Sec. 12. That all persons shall be bailable by sufficient sureties, unless for capital offences, where the proof is evident.

...shall be liable to be imprisoned...

...absolutely necessary to...

...the people have a right to assemble themselves...

...the people have a right to bear arms for the defence...

...no person in this State, except such as are employed...

...the levying taxes by the poll is grievous and oppressive...

...no hereditary emoluments, privileges, or honors shall...

...no law shall be passed to prevent the poor in the...

Section 1. That no evils or inconveniences shall be occasioned by the change of a territorial government to a State government, and it is declared by this convention, that all laws, orders, regulations, claims, and contracts, both as to individuals and bodies corporate, shall continue as if no change had taken place in this government.

Sec. 2. All fines, penalties, and forfeitures in the Territory of the United States northwest of the River of the West shall be to the use of the State. All bonds executed by any other officer in his official capacity in the Territory, by the governor or the other officers of the Territory, or by him or them in office, for the use of the State, or by him or them or any person assigned over to the use of those concerned, shall continue in force.

Sec. 3. The governor, secretary, and judges of the Territory, under the territorial government, shall continue to perform the duties of their respective departments until they are superseded under the authority of this constitution.

Sec. 4. All laws and parts of laws now in force in the Territory, not inconsistent with this constitution, shall continue in full effect until repealed by the legislature, except an act entitled "An act regulating the admission and practice of attorneys and counsellors at law," and of the act made a part of the act as relates to the term of time which the applicant for a license at law, his residence within the Territory, and the term of time he shall have practised as an attorney at law, before he is admitted to the degree of a counsellor at law.

Sec. 5. The governor of the State shall make use of the State seal until a State seal be procured.

Sec. 6. The president of the convention shall issue writs of election to the sheriffs of the several counties, requiring them to hold elections to the election of a governor, members of the general assembly, and coroners, at the respective election-districts, on the second Tuesday of January next, which shall be the day for the election of a governor, members of the general assembly, and coroners.

of the United States, and the State of Ohio, and the people thereof, do hereby severally and jointly, and their heirs and assigns forever, ratify and confirm the same, and do hereby declare that the same shall be the supreme law of the State of Ohio, and that the same shall be the basis of all laws, and that the same shall be the basis of all the rights and liberties of the people of the State of Ohio, and that the same shall be the basis of all the powers and authorities of the State of Ohio, and that the same shall be the basis of all the duties and obligations of the people of the State of Ohio, and that the same shall be the basis of all the rights and liberties of the people of the State of Ohio, and that the same shall be the basis of all the powers and authorities of the State of Ohio, and that the same shall be the basis of all the duties and obligations of the people of the State of Ohio.

CONSTITUTION OF OHIO—1851

The people of the State of Ohio, grateful to Almighty God for the many mercies which have been bestowed upon them, do hereby assemble in convention to secure its blessings and promote our common welfare, and to amend the constitution.

ARTICLE I.

BILL OF RIGHTS

All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and possessing property, and liberty, acquiring, possessing, and protecting property, and obtaining happiness and safety.

Government is instituted by the people, for their equal protection and benefit, and they have the right to reform, or abolish the same, whenever they may deem proper, and no special privileges or immunities shall ever be granted, which may not be altered, revoked, or repealed by the General Assembly.

The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the General Assembly for the redress of their grievances.

Journal of Legislative Practice in the 77th General Assembly of the State of Ohio, pp. 187-181. Convention at Cincinnati, March 10, 1851. As amended and in effect in 1906. See Appendix.

...of rights shall not be construed to
...retained by the people; and all powers not
...remain with the people.

ARTICLE II

LEGISLATIVE

The legislative power of this state shall be vested in a
body, which shall consist of a Senate, and House of

...ors and representatives shall be elected biennially by
...the respective counties or districts, on the first Tues-
...day in November; their term of office shall
...begin on the first day of January next thereafter, and continue
...[as amended October 18, 1885. See Appendix.]

...ors and representatives shall have resided in their
...ties, or districts, one year next preceding their elec-
...tion; and shall have been absent on the public business of the
...of this state.

...person holding office under the authority of the United
...perative office under the authority of this state, shall
...have a seat in, the General Assembly; but this pro-
...vision shall not extend to township officers, justices of the peace,
...or officers of the militia.

Sec. 10. Any member of either house who shall be guilty of any crime, or shall be convicted of any crime, shall be liable to be expelled from the journal, and his name shall be entered upon the same as a convicted felon.

Sec. 11. Any member of either house who shall be guilty of any crime, or shall be convicted of any crime, shall be liable to be expelled from the journal, and his name shall be entered upon the same as a convicted felon.

Sec. 12. All vacancies which may happen in either house during the unexpired term, be filled by election, as in and by the constitution.

Sec. 13. Senators and Representatives, when in the General Assembly, and in going to and from the same, shall be privileged from arrest, in all cases, except in cases of breach of the peace; and for any speech, or any publication, they shall not be questioned elsewhere.

Sec. 14. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of the members present, shall be held in secret.

Sec. 15. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded, or for a longer place than that, in which the two houses shall be sitting.

Sec. 16. Bills may originate in either house, and may be amended, or rejected in the other.

Sec. 17. Every bill shall be fully and distinctly read three days, unless in case of urgency three-fourths of the members shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed, and no law shall be revived, or amended, unless the whole of the entire act revived, or the section or sections amended, or sections, so amended, shall be repealed.

Every bill passed by both houses of the General Assembly, before said bill can become law, be presented to the Governor.

Department of State
Department of the Treasury
Department of the Interior
Department of Justice
Department of Education
Department of Agriculture
Department of Commerce
Department of Labor
Department of Health, Education and Welfare
Department of Housing and Urban Development
Department of Transportation
Department of Defense
Department of Veterans Affairs
Department of Energy
Department of Environmental Protection
Department of Social Security
Department of the Environment
Department of the Navy
Department of the Air Force
Department of the Army
Department of the Coast Guard
Department of the Marine Corps
Department of the Navy
Department of the Air Force
Department of the Army
Department of the Coast Guard
Department of the Marine Corps

shall file said sections
of money, together with
Secretary of State as in the
State shall then make public said fact
in the case of a whole bill. [As amended
Appendix.]
Clerk of each house shall sign
house over which he presides, while the
of transacting business all bills and
General Assembly.
of the laws of this state shall be, "Be it enacted
Assembly of the State of Ohio."
Senator or Representative shall, during the term for
been elected, or for one year thereafter, be ap-
civil office under this state, which shall be created or
of which shall have been increased, during the term
shall have been elected.

SEC. 20. The General Assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

SEC. 21. The General Assembly shall determine, by law, before what authority, and in what manner, the trial of contested elections shall be conducted.

SEC. 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

SEC. 23. The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

SEC. 24. The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than the removal from office, and disqualification to hold any office, under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law.

SEC. 25. All regular sessions of the General Assembly shall commence on the first Monday of January, biennially. The first session, under this constitution, shall commence on the first Monday of January, one thousand eight hundred and fifty-two.

SEC. 26. All laws, of a general nature, shall have a uniform operation throughout the state; nor, shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except, as otherwise provided in this constitution.

SEC. 27. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this constitution, and in the election of the United States senators; and in these cases the vote shall be taken "*viva voce*."

SEC. 28. The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this state.

SEC. 29. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

SEC. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or remov-

ing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve of the law passed for that purpose; but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

SEC. 31. The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

SEC. 32. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

ARTICLE III

EXECUTIVE

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney-general, who shall be elected on the *first Tuesday after the first Monday in November*, by the electors of the state, and at the places of voting for members of the General Assembly. [As amended October 13, 1885. See Appendix.]

SEC. 2. The governor, lieutenant governor, secretary of state, treasurer, and attorney-general shall hold their offices for two years; and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns for every election for the officers named in the foregoing election shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes, for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. Should there be no session of the General Assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

SEC. 5. The supreme executive power of this state shall be vested in the governor.

SEC. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

Sec. 13. No member of Congress, or other person, shall be appointed to the office of governor, except as hereinafter provided.

Sec. 14. No member of Congress, or other person, shall be appointed to the office of governor, except as hereinafter provided.

Sec. 15. In case of the death, or other disability of the governor, the powers of the residue of the term, or until he shall be removed, shall devolve upon the lieutenant governor.

Sec. 16. The lieutenant governor shall be removed from office by the senate, upon the impeachment of his absence, or impeachment, or when he shall be removed from office by the senate.

Sec. 17. If the lieutenant governor, while acting as governor, shall be impeached, displaced, or become incapable of performing the duties of the office of governor, the senate shall act as governor until the disability removed; and if the president of the senate, or the speaker of the house of representatives, shall be rendered incapable of performing the duties of the office of governor, the same shall be rendered incapable of performing the duties of the office of governor, the same shall be rendered incapable of performing the duties of the office of governor.

Sec. 18. Should the office of auditor, treasurer, or any other officer, become vacant, for any of the causes mentioned in the tenth section of this article, the governor shall

...the next session of the General Assembly, they, or application of the writ of habeas corpus of the court and certified copy of the record of such [such] house shall apply for the appointment, in like manner as in the present jurisdiction and duties; provided that such commission shall not exceed two years, and in this case in ten years. [Amended October 1890]

ARTICLE V

ELECTIVE FRANCHISES

SECTION 1. Every white male citizen of the age of twenty-one years, who shall have been one year next preceding the election, and of the ward, in which he resides, such time as may be prescribed, shall have the qualifications of an elector, and be entitled to vote at all elections.

SEC. 2. All elections shall be by ballot.

SEC. 3. Electors, during their attendance at elections, to, and returning therefrom, shall be privileged from arrest, except treason, felony, and breach of the peace.

SEC. 4. The General Assembly shall have power to deprive any elector of the privilege of voting, or of being eligible to vote, for a term of years, for conviction of bribery, perjury, or other infamous crime.

SEC. 5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, fort, or naval station, within the state, be considered as an elector.

SEC. 6. No idiot, or insane person, shall be entitled to vote at an election.

...of the state, to be known as the sinking fund, which shall be set aside for the purpose of paying the principal of the public debt, and annually to reduce the same by not less than one hundred thousand dollars, until the same is paid in full. The said sinking fund shall consist of the proceeds of the sale of public works and stocks owned by the state, and of the proceeds of the sale of the resources that are, or may be, provided by the state, and of any sum, to be raised by taxation, as may be provided by the General Assembly, and of any other moneys that may be available for the purpose aforesaid.

SEC. 8. The auditor of state, secretary of state, and the general, are hereby created a board of commissioners, to be known as the Commissioners of the Sinking Fund."

SEC. 9. The commissioners of the sinking fund shall, at the close of each preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund, and of the amount of the public debt, and report the same, together with all their proceedings, to the Governor, and the Governor shall report the same with his regular message, to the General Assembly. The General Assembly shall make all necessary appropriations, and disbursing said sinking fund, in pursuance of this article.

SEC. 10. It shall be the duty of the said commissioners to apply said fund, together with all moneys that may be appropriated to that object, to the interest, as it becomes due, and the redemption of the principal of the public debt of the state, excepting only, the securities held by the state.

SEC. 11. The said commissioners shall, semi-annually, make a full and detailed report of their proceedings to the Governor, and the Governor shall immediately cause the same to be published, and shall

... shall have power to call forth the militia, in order to execute the laws of the state, to suppress insurrection, and repel invasion.

The General Assembly shall provide, by law, for the purchase and keeping of the public arms.

ARTICLE X

COUNTY AND TOWNSHIP ORGANIZATIONS

The General Assembly shall provide, by law, for the election of county and township officers as may be necessary.

County officers shall be elected on the first Tuesday after the first day in November, by the electors of each county in such manner as may be provided by law; for such term, not exceeding three years, as may be provided by law. [Amended October 13, 1885. See Appendix.]

Any person shall be eligible to the office of sheriff, or county clerk, for more than four years, in any period of six years.

Township officers shall be elected by the electors of each township at such time, in such manner, and for such term, not exceeding three years, as may be provided by law; but shall hold office until their successors are elected and qualified. [As amended October 13, 1885. See Appendix.]

Sec. 2. When any county shall have a population of more than one hundred thousand, that being multiplied by five, the ratio shall be multiplied by five, and for every five additional population there shall be three representatives, and for every five additional population there shall be one representative, so that each county shall have one representative for every five thousand population. [Act, 1903.]

Sec. 3. When any county shall have a population of more than one hundred thousand, that being multiplied by five, the ratio shall be multiplied by five, and for every five additional population there shall be three representatives, and for every five additional population there shall be one representative, so that each county shall have one representative for every five thousand population. [Act, 1903.]

Sec. 4. Any county, forming with another county a representative district, during one decennial period, which shall not have the population required sufficient population at the next decennial period, shall be entitled to a separate representation, if there shall be a separate district from which it shall have been separated, and if the population for a representative; but no such change shall be made until the next regular decennial period for the apportionment of representatives.

Sec. 5. If, in fixing any subsequent ratio, a county shall have a population less than that required by the new ratio for a representative, and if the county be attached to the county adjoining it, having the largest population, and the representation of the district, shall be determined as herein provided.

Sec. 6. The ratio for a senator shall forever be maintained by dividing the whole population of the state by thirty-five.

...the ratio shall be applied, in apportioning the seats in the districts, and in annexing districts which do not contain three-fourths of a senatorial ratio, as to the respective districts.

...county forming part of a senatorial district, having a ratio equal to a full senatorial ratio, shall be made a separate district, at any regular decennial apportionment, and the surplus ratio shall be left in the district from which it is taken.

...the first ten years, after the year one thousand eight hundred and sixty-one, the apportionment of representatives shall be made according to the schedule, and no change shall ever be made in the representation, as herein established, or, in the manner of apportionment, except as above provided. All territory, belonging to the state at the time of any apportionment, shall, as to the right of representation and suffrage, remain an integral part thereof, during the next ensuing period.

...the governor, auditor, and secretary of state, or any two of them, at least six months prior to the October election, in the year one thousand eight hundred and sixty-one, and, at each decennial period thereafter, ascertain and determine the ratio of representation, according to the decennial census, the number of representatives and senators each county or district shall be entitled to at the next ensuing election, and, within the next ensuing ten years, and the governor shall cause the same to be published, in such manner as shall be prescribed by law.

The General Assembly shall provide for the payment of the interest on the bonds of the State, and shall be levied, except in the case of the bonds of the State, in such manner as the General Assembly shall see fit to apply.

The State shall never contract any debt for purposes of the State.

ARTICLE XIII CORPORATIONS

The General Assembly shall pass no special act for the purpose of conferring powers.

Corporations may be formed under general laws, but all laws from time to time, be altered or repealed.

Debt from private corporations shall be secured by such bonds as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock of such stockholder or her. [As amended November, 1903.]

The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

The right of way shall be appropriated to the use of any corporation, and full compensation therefor be first made in money, and secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation. The compensation shall be ascertained by a jury of twelve persons, the names of whom shall be prescribed by law.

The General Assembly shall provide for the organization and incorporation of villages, by general laws, and restrict the power of taxation, assessment, borrowing money, contracting debts, and pledging their credit, so as to prevent the abuse of such

Sec. 2. The proceedings of the General Assembly shall be reported to the General Assembly of that body.

SECTION 1. Columbus shall be the seat of the government, unless otherwise directed by law.

SEC. 2. The printing of the laws, reports, documents and papers for each branch of the government shall be let, on contract, to the lowest bidder, and in such manner, as may be prescribed by law.

SEC. 3. An accurate and detailed statement of the receipts and expenditures of the public money, the several departments, and on what account, shall, from time to time, be prescribed by law.

SEC. 4. No person shall be elected or appointed to any office in this state, unless he possesses the qualification of a citizen of this state.

SEC. 5. No person who shall hereafter hold any office in this state, shall hereafter receive, or send, accept, or knowingly receive for, shall hold any office in this state.

SEC. 6. Lotteries, and the sale of lottery tickets, shall forever be prohibited in this state.

SEC. 7. Every person chosen or appointed to any office in this state, before entering upon the discharge of his duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this state, and also an oath of office.

SEC. 8. There may be established, in the several counties, a bureau of statistics, under such regulations as may be prescribed by law.

SEC. 9. No license to traffic in intoxicating liquors shall be granted in this state; but the General Assembly may, from time to time, provide against evils resulting therefrom.

...of members of the General Assembly, to be elected by the electors of the state, at their next general election, and in each twentieth year thereafter, shall there be a convention to revise, alter, or amend this constitution, which shall be submitted to the electors of the state; and the majority of all the electors, voting at such election, shall constitute a convention, the General Assembly, at its next session, shall provide, by law, for the election of delegates, and the provisions of such convention, as is provided in the preceding article, shall take effect, if an amendment of this constitution, agreed upon by any majority of the electors assembled in pursuance of this article, shall take effect, if an amendment of this constitution, agreed upon by any majority of the electors of the state, shall have been submitted to the electors of the state, and approved by a majority of those voting thereon.

SCHEDULE

All laws of this state, in force on the first day of September, one thousand eight hundred and fifty-one, not inconsistent with this constitution, shall continue in force, until amended, or repealed. The first election for members of the General Assembly, under this constitution, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The first election for governor, lieutenant-governor; auditor, treasurer, and secretary of state and attorney-general, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons, holding said offices on the first day of

ARTICLE XVII

SECTION 1. Elections for state and county officers shall be held on the first Tuesday after the first Monday in November in the even numbered years; and all elections for all other elective officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years.

SEC. 2. The term of office of the governor, lieutenant governor, attorney-general, secretary of state and treasurer of state shall be two years, and that of the auditor of state shall be four years. The term of office of the judges of the supreme court and circuit courts shall be such even number of years not less than six (6) years as may be prescribed by the general assembly: that of the judges of the common pleas court six (6) years and of the judges of the probate court, four (4) years, and that of other judges shall be such even number of years not exceeding six (6) years as may be prescribed by the general assembly. The term of office of justices of the peace shall be such even number of years not exceeding four (4) years, as may be prescribed by the general assembly. The term of office of the members of the board of public works shall be such even number of years not exceeding six (6) years as may be so prescribed; and the term of office of all elective county, township, municipal and school officers shall be such even number of years not exceeding four (4) years as may be so prescribed.

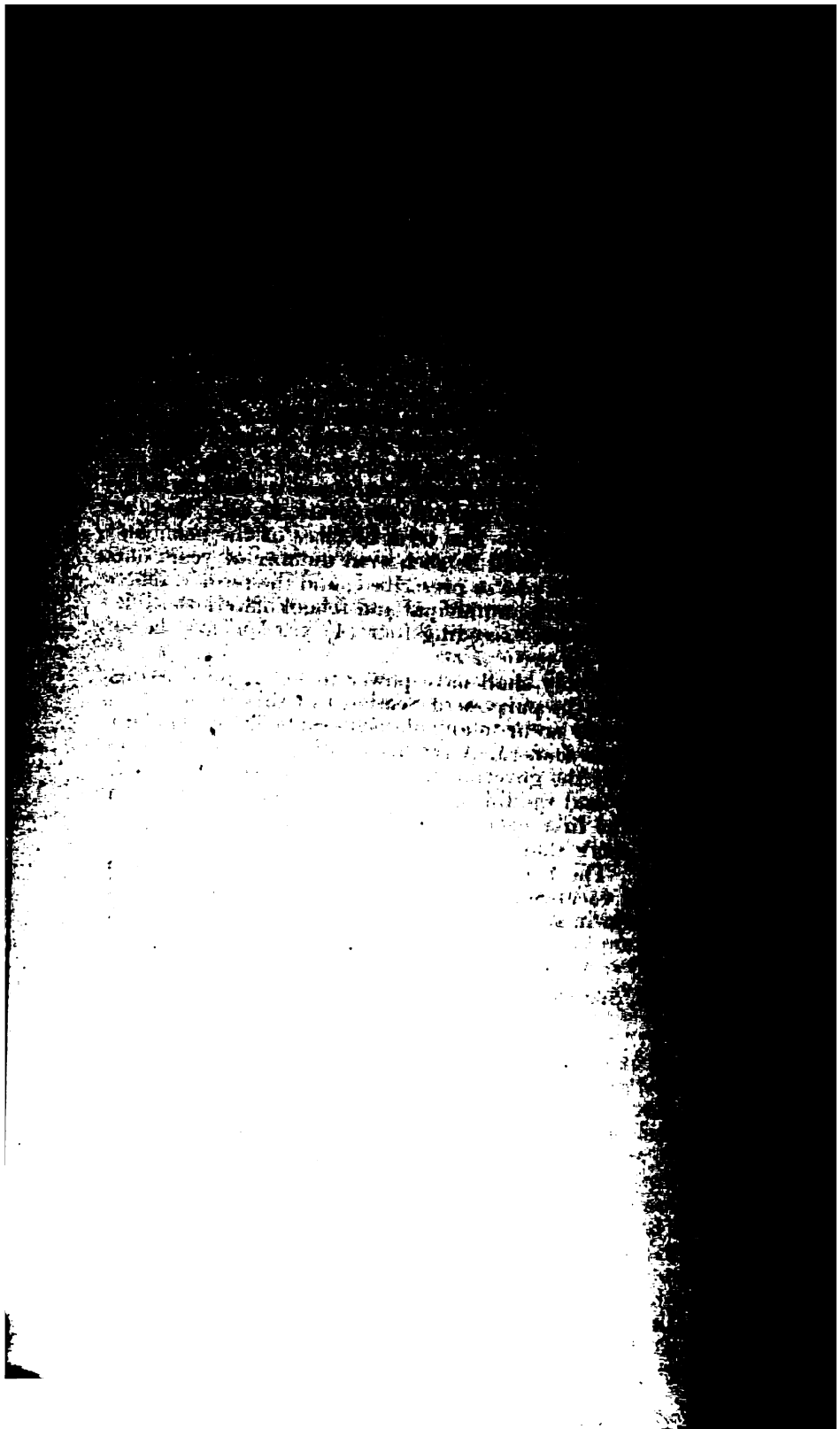
And the General Assembly shall have power to so extend existing terms of office as to effect the purpose of Section 1 of this article.

Any vacancy which may occur in any elective state office other than that of a member of the General Assembly or of governor, shall be filled by appointment by the governor until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election at the first general election for the office which is vacant, that occurs more than thirty (30) days after the vacancy shall have occurred. The person elected shall fill the office for the unexpired term. All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by law.

WILLIAM MEDILL, *President.*

Attest:

WM. H. GILL, *Secretary.*



Territory, or attack any portion of the Territory of the United States within the limits of this Territory hereby established; and this act shall be construed to invade any rights of Indians or Indian tribe in said Territory, and treaties of the United States, or to take any property pertaining to said Indians, or to make any law respecting said Indians, that the Government of the United States is not competent to make any law respecting said Indians, that the rights which it would have been competent to make had not been passed.

Sec. 2. That the executive power of this Territory shall be vested in a governor, who shall hold office until his successor shall be appointed and removed by the President of the United States; he shall reside within said Territory; shall be commander in chief of the militia thereof; he may grant pardons for offenses committed within said Territory, and reprieves for offenses committed within said Territory, until the decision of the President thereon; he shall commission all officers who may be necessary under the laws of said Territory, and shall see that the laws be faithfully executed.

Sec. 3. That there shall be a secretary of said Territory, who shall reside therein and hold his office for four years, to be appointed by the President of the United States; he shall see that all the laws and the proceedings of the legislative assembly after constituted, and all acts and proceedings of the executive department; he shall transmit one copy of the journals of the legislative assembly, within thirty days of each session thereof, to the President of the United States, the Secretary of the Interior and, at the same time, to the House of Representatives and the President of the Senate; and in case of the death, removal, resignation, or necessary absence of the governor from the Territory,

Sec. 5. That the legislative power of the Territory shall be vested in a legislative assembly, to be called the Legislative Assembly of the Territory, and the legislative assembly together with the Governor shall have the right to pass laws on any ordinary occasion at any time.

Sec. 6. That all male citizens of the Territory who shall have twenty-one years, and all male persons who shall have twelve months prior to the time they become citizens of the United States, and who are actual residents at the time of the passage of this Act of said Territory which was declared by the President to be open for settlement on the 22d day of April, anno Domini eighteen hundred and eighty-five, and all persons who shall have been in possession of a portion of said Territory heretofore known as the Territory of Nevada, shall be entitled to vote at the first election, and at every subsequent election the qualifications of persons holding office shall be such as may be prescribed by the legislative assembly, subject, however, to the following restrictions, to-wit: First. The right of holding office shall be exercised only by citizens of the United States above the age of twenty-one years and by persons above that age who have declared, on oath, before some court of record, as required by the naturalization laws of the United States, their intention to become citizens, and have taken the oath of allegiance to the Constitution of the United States, and who are not in the service of the United States for the term of twelve months immediately preceding the election at which they offer to vote. Second. The denial of the elective franchise or of holding office shall not be on account of race, color, or previous condition of servitude. Third. No soldier, officer, soldier, seaman, marine, or other person in the service of the United States Navy, or attached to troops in the service of the United States Army, shall be allowed to vote in said Territory by reason of his being in the service of the United States. Fourth. No person belonging to the Army or Navy of the United States shall be elected to, or hold, any civil office or appointment in said Territory.

Sec. 6. That the legislative power of the Territory shall be vested in a legislative assembly, to be called the Legislative Assembly of the Territory, and the legislative assembly together with the Governor shall have the right to pass laws on all rightful subjects of legislation not inconsistent with the Constitution of the United States.

... shall be appointed or elected, as the case may be, in the manner as shall be provided by the governor and legislative council of the Territory. The governor shall nominate, with the advice and consent of the council, appoint and remove, and in the first instance the council shall appoint all such officers, who shall hold their offices until the first session of the legislative assembly, and in the necessary districts for members of the assembly and representatives, and all other officers, and whenever a vacancy occurs from resignation or death, during the recess of the council in any office which is filled by appointment of the governor, and with the advice and consent of the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council, it is provided that the legislative assembly shall not authorize the issuance of any bond, script, or evidence of debt by the Territory, or by any city, town, or township therein for the construction of a road.

That no member of the legislative assembly shall hold or be eligible to any office which has been created or the salary or compensation of which have been increased while he was a member, or for the term for which he was elected and for one year after the expiration of such term, but this restriction shall not be applicable to any member of the first legislative assembly provided for by this act; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative as-

...the said Territory shall be divided into districts, and the district courts shall be organized in each district, and the judges of the said district courts shall be appointed by the governor of said Territory, and shall hold their offices for the term of years as may be provided by law. The supreme court shall be organized in said Territory, and shall hold its office at the pleasure of the court. Each district court shall appoint its clerk, and the clerk shall hold his office at the pleasure of the court. Each district court shall appoint its clerk, and shall keep his office at the place where the court shall be held. Writs of error, bills of exception, and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court under such regulations as may be provided by law, but in no case removed to the supreme court shall the value of the property or the amount of the debt be allowed in said court. Writs of error and appeals from the decisions of said supreme court shall be allowed to the Supreme Court of the United States in the same manner as from the circuit courts of the United States, where the value of the property or the amount of the debt to be ascertained by oath or affirmation of either party shall exceed five thousand dollars. Said district courts shall have and exercise, except as otherwise heretofore established, the same jurisdiction in all cases as the circuit and district courts of the United States have and exercise, and shall have and exercise exclusive original jurisdiction in all cases against the laws of the United States committed to the Territory of Oklahoma not embraced within the

...shall have the power and perform the duties of the same regulations and penalties imposed by law of the United States, and be entitled to a salary of one hundred dollars a year. There shall be allowed to the marshal, clerks of the supreme and district courts the same compensation as is prescribed for similar services by such persons in the Federal Judiciary, of the Revised Statutes of the United States.

The governor, secretary, chief-justice and associate justice, and marshal shall be nominated and, by and with the consent of the Senate, appointed by the President of the United States. The governor and Secretary to be appointed as aforesaid, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace, or some other person within the limits of said Territory duly authorized to administer such oaths and affirmations by the laws now in force therein, or before the chief-justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices. Such oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be filed and recorded by the secretary among the executive proceedings of said Territory, before they act as such, shall take a like oath or affirmation before the said governor or secretary, or some other person within the limits of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, who shall file and record by him as aforesaid, and afterwards the like oath or

Sec. 15. That the Governor and legislative assembly shall hold its first session at the place named in the act of Congress, or as soon thereafter as the Governor and legislative assembly may deem eligible, which place, however, shall not be changed by the said Governor.

Sec. 16. That a Delegate to the House of Representatives of the United States, to serve during each Congress, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same privileges and immunities as are exercised and enjoyed by the Delegates of other Territories of the United States in their respective legislatures. The first election shall be held at the place named in the act of Congress, and be conducted in such manner as the Governor may direct, after at least sixty days' notice, to be given at least thirty days before the date of the election, and at all subsequent elections the time, place and manner of holding elections shall be prescribed by law. The person receiving the greatest number of votes of the qualified electors shall be declared by the Governor to be elected, and the certificate thereof shall be accordingly given.

Sec. 17. That the provisions of title sixty-four of the Statutes of the United States relating to national elections and amendments thereto, shall have the same force and effect in the Territory of Oklahoma as elsewhere in the United States. That persons otherwise qualified to act as directors of public schools required to have resided in said Territory for one year immediately preceding their election as such.

Sec. 18. That sections numbered sixteen and seventeen of the Statutes of the United States relating to townships in said Territory shall be, and the same shall be construed for the purpose of being applied to public schools in said Territory, and States hereafter to be erected out of the same.

... shall have the same powers as the
... office shall be held by the
... in the Territory of
... office. He may, at his
... establish another
... locate a land office therein,
... and receiver thereof. And the
... Office shall, when directed by the
... the Territory to be properly each
... same has not already been disqualified to

Sec. 20. That the procedure in
adjudications in the Territory of
manner prescribed under the homestead
and the general principles and
except as modified by the provisions of
gress approved March first and second,
nine, heretofore mentioned, shall be a
said Territory, but no patent shall be issued
a citizen of the United States at the time of

All persons who shall settle on land in
provisions of the homestead laws of the U
act, shall be required to select the same
may be; and no person who shall at the time
of a hundred and sixty acres of land in any form
hereafter be entitled to enter land in said
The provisions of sections twenty-three
twenty three hundred and five of the Revised
States shall, except so far as modified by this
stead settlements in said Territory.

Sec. 21. That any person, entitled by law to
said Territory of Oklahoma, who has already
or shall hereafter locate and file upon, a

...of the land...
...to the town...
...Provided further, That in case any...
...which may be occupied...
...the provisions of law...
...is entitled to perfect his title...
...for town site purposes, it shall be...
...to the Secretary of the Interior to purchase...
...and homestead or any part thereof for town site...
...shall file with the application a plat of such proposed...
...if such plat shall be approved by the Secretary of the...
...shall issue a patent to such person for land embraced in...
...upon the payment of the sum of ten dollars per acre...
...lands embraced in such town site, except the lands to be...
...maintained for public purposes as provided in this act...
...the sums so received by the Secretary of the Interior shall...
...to the proper authorities of the municipalities where...
...to be used by them for school purposes only.

That there shall be reserved public highways four rods...
...each section of land in said Territory, the section lines...
...of said highways; but no deduction shall be made...
...payments are provided for, in the amount to be paid for...
...section of land by reason of such reservation. But if...
...highway shall be vacated by any competent authority, the...
...respective strips shall inure to the then owner of the tract...
...formed a part by the original survey.

That it shall be unlawful for any person, for himself or...
...company, association, or corporation, to directly or indirectly...
...person to settle upon any lands open to settlement in...
...of Oklahoma, with intent thereafter of acquiring title...
...any title thus acquired shall be void; and the parties...
...fraudulent settlement shall severally be guilty of a misde...
...and shall be punished upon indictment, by imprisonment...
...not exceeding twelve months, or by a fine not exceeding one thou...
...or by both such fine and imprisonment, in the discre...
...court.

and proceeded with in his discretion, and the circumstances of the case govern.

Sec. 26. That the following sums, necessary, are hereby appropriated, and, if not otherwise appropriated, to be disbursed by the Secretary of the Interior, in the same manner as those are disbursed in the other Territories, namely:

To pay the expenses of the first legislative assembly of the Territory, including the printing of the session book, the sum of forty thousand dollars.

To pay the salaries of the governor, the chief justice of the court, the secretary of the Territory, the marshal, and other officers whose appointment is provided for in this act, for the remainder of the fiscal year ending June thirtieth, eighteen hundred and ninety, the sum of twenty thousand dollars.

To pay for the rent of buildings for the legislative assembly, for the offices, and for the supreme and district courts; to support prisoners; to pay mileage and per diem expenses; to provide books, records, and stationery; and for the support of judicial offices for the remainder of the fiscal year ending June thirtieth, eighteen hundred and ninety, the sum of twenty thousand dollars.

To enable the governor to take a census of the Territory, as required by law, the sum of five thousand dollars.

To be expended by the governor in temporary support of common school education in said Territory, as soon as public schools shall have been established by the legislature, the sum of fifty thousand dollars.

Sec. 27. That the provisions of this act shall not be construed as to invalidate or impair any legal claims or rights existing at the date of the passage of this act, and shall not apply to any portion of said Territory, under the laws of the United States.

...shall be deemed valid and enforced by such courts; and in
...which jurisdiction is conferred by this act or any
...conferred by act of Congress; and the provisions of this
...act forth shall apply to said Indian Territory only.

That for the purpose of holding terms of said court, said
Territory is hereby divided into three divisions, to be known
as the first, second, and third division. The first division shall
comprise the country occupied by the Indian tribes in the Georgia
country and all that part of the Cherokee country east of
the eighth meridian and all of the Creek country; and the
place for holding said court therein shall be at Muskogee. The
second division shall consist of the Choctaw country, and the place
for holding said court therein shall be at South McAlisterville. The
third division shall consist of the Chickasaw and Seminole countries,
and the place for holding said court therein shall be at Ardmore.

The Attorney-General of the United States may, if in his judgment
it shall be necessary, appoint an assistant attorney for said
court, and the clerk of said court shall appoint a deputy clerk in
each of the divisions in which said clerk does not himself reside at
the place for holding said court. Such deputy clerk shall keep his office and reside at the place
for holding said court in the division of such residence,
and shall keep the records of said court for such division, and in the
absence of the clerk may exercise all the official powers of the clerk
of such division for which he is appointed: *Provided*, That the
names of such deputies shall be approved by said United

...in which the process is reasonable, the judge shall direct such case to be tried in such place. *Provided, however,* That the courts of this State shall retain exclusive jurisdiction of all cases arising in the country in which such territory or by adoption shall be the only law in force in said Indian Territory by this act.

Sec. 31. That certain general laws of the State of Arkansas, which were in force at the close of the session of the general assembly of the State of Arkansas of eighteen hundred and eighty-three, as published in the volume known as the Statutes of Arkansas, which are not in conflict with this act or with any law of the State of Arkansas specially mentioned in this section, shall be put in force in the Indian Territory until otherwise provide, that is to say, the provisions of the laws of Arkansas relating to administration, chapter one; to the State court in the Indian Territory herein provided, and exercise the powers of courts of probate and public administrators, chapter two, and the United States court in the Indian Territory shall perform the duties in relation to the sheriffs in said State; to arrest and imprisonment for benefit of creditors, chapter three; to attorneys at law, chapter four; to bills of exchange and promissory notes, chapter four; to common law, chapter eighteen; to common and statute law, chapter twenty; to contempts, chapter twenty-six; to corporations, chapter twenty-nine, division one; to descent to descents and distributions, chapter forty-nine; to the powers of the circuit courts of Arkansas under the dowry, chapter fifty-two; to evidence, chapter fifty-three; to execution, chapter sixty; to fees, chapter sixty-three.

...of said territory, and the members of said territory, shall be the sole judges, not as judges, but as members of said territory, of the power of said civilized nations to make laws of the statutes and laws enacted by said nations, which laws are not contrary to the Constitution of the United States.

SEC. 32. That the word "county," as used in the laws of Arkansas which are put in force in the Indian Territory by the provisions of this act, shall be construed to mean the limits of a judicial division in said Indian Territory, and ever in said laws of Arkansas the word "county" or "judicial division" may be substituted that of "territory," for the purposes of this act. And when in the laws of Arkansas the word "State" or the words "State of Arkansas" are used, the word "Territory," or the words "Indian Territory," may be substituted therefor, for the purposes of this act. The purpose of making said laws of Arkansas applicable to the Indian Territory; but all prosecutions therein shall run in the name of the "United States."

SEC. 33. That the provisions of chapter forty-five of the general laws of Arkansas, entitled "Criminal Law," and the crimes and misdemeanor mentioned in the provisions of chapter forty-six of said laws of Arkansas, entitled "Criminal Procedure," as far as applicable, are hereby extended over and put in force in the Indian Territory, and jurisdiction to enforce said provisions is transferred upon the United States court therein: *Provided*, that in cases where the laws of the United States and the laws of Arkansas have provided for the punishment of crimes, the laws of the United States shall govern as to the punishment, *provided further*, That the United States circuit and district courts, respectively, for the western district of Arkansas and the western district of Texas, respectively, shall continue to exercise

...the Indian Territory and where such crimes shall be committed, the enforcement of the laws in the courts established in said Territory, provided, That all violations of the provisions of this act shall be prosecuted in the courts for the western district of Arkansas and the eastern district of Texas, respectively, the same as if this act had not passed.

Section 10. That jurisdiction is hereby conferred upon the United States, in the Indian Territory over all controversies arising between members or citizens of one tribe or nation of Indians and the members or citizens of other tribes or nations in the Indian Territory, and any citizen or member of one tribe or nation who may commit any offense or crime against the person or property of a citizen or member of another tribe or nation shall be subject to the same punishment in the Indian Territory as he would be if both parties were citizens of the United States. And any member or citizen of any Indian tribe or nation in the Indian Territory shall have the right to invoke the aid of said court therein for the protection of his person or property as against any person not a member of the same tribe or nation, as though he were a citizen of the United States.

Section 11. That if any person shall, in the Indian Territory, open, establish, promote, make or draw, publicly or privately, any lottery, or scheme of chance of any kind or description, by whatever name, and whether the same may be denominated or known, or shall, in said Territory, vend, sell, barter or dispose of any lottery ticket or tickets, or any orders, device or devices, of any kind, for, or representing any share or any interest in any lottery or scheme of any kind, he shall open or establish as owner or otherwise any lottery

...of the laws of Arkansas, and receive the same for which are provided in said laws of Arkansas: *Provided*, That all marriages heretofore solemnized or tribal customs of any Indian nation in said Territory are hereby declared valid, and the parties thereto shall be deemed legitimate and entitled to all the property or other rights, the same as in the case of a lawful marriage: *Provided further*, That the provisions of one hundred and three of said laws of Arkansas construed so as to interfere with the operation of any marriage enacted by any of the civilized States or Territories shall have no authority upon any officer of said court to refuse to perform the same in marriage with a member of said Indian nation until the preliminaries to such marriage are arranged according to the laws of the nation of which the person is a member: *And provided further*, That a certificate of such marriage shall be sent for record to the court as provided in such law enacted by the Indian nation.

SEC. 39. That the United States court in the Indian Territory have all the powers of the United States circuit court judges to appoint commissioners within said Territory who shall be learned in the law, and shall be known as commissioners; but not exceeding three commissioners appointed for any one division, and such commissioners appointed shall have, within the district to be designated by the appointing them, all the powers of commissioners of the United States. They shall be *ex officio* notaries, and shall have power to solemnize marriages. The provisions

Section 1000. That the United States marshal in the Indian Territory shall have the same power to extradite persons who have taken refuge in the Indian Territory, charged with crimes in any State or other Territory of the United States, that may now be exercised by the governor of Arkansas in that State, and he may make requisitions upon governors of States and other Territories for persons who have committed offenses in the Indian Territory, and who have taken refuge in such States or Territories.

Section 1001. That persons charged with any offense or crime in the Indian Territory, and for whose arrest a warrant has been issued by the United States marshal or any of his deputies, shall be held in said Territory, but in all cases the accused shall be taken for preliminary examination, before the commissioner of the general division whose office or place of business is nearest to where he usually traveled to the place where the offense or crime was committed; but this section shall apply only to crimes or offenses in which the courts located in the Indian Territory have jurisdiction. Provided, That in all cases where persons have been brought to the United States commissioner in the Indian Territory for preliminary examination, charged with the commission of any crime, and where it appears from the evidence that a crime has been committed, and that there is probable cause to believe the accused guilty thereof, but that the crime is one over which the courts in the Indian Territory have no jurisdiction, the accused shall not, on account, be discharged, but the case shall be proceeded with according to the provisions in section ten hundred and fourteen of the Revised Statutes of the United States.

Section 1002. That the judge of the United States court in the Indian Territory shall have the same power to extradite persons who have taken refuge in the Indian Territory, charged with crimes in any State or other Territory of the United States, that may now be exercised by the governor of Arkansas in that State, and he may make requisitions upon governors of States and other Territories for persons who have committed offenses in the Indian Territory, and who have taken refuge in such States or Territories.

Sec. 14. That the following sum, or so much thereof as may be necessary, is hereby appropriated, to be paid out of any moneys not otherwise appropriated, to be disbursed by the Attorney-General of the United States, for the purpose of similar appropriations are disbursed in other States of the United States, namely:

To pay the actual traveling and other expenses of the United States court holding court in and about the Territory of Muskogee; to pay for the rent of buildings to provide jails and support prisoners; to pay the salaries of jurors and witnesses; to provide books and stationery for the judicial offices for the remainder of the year ending June thirtieth, eighteen hundred and ninety, the sum of five thousand dollars.

Approved, May 2, 1890.

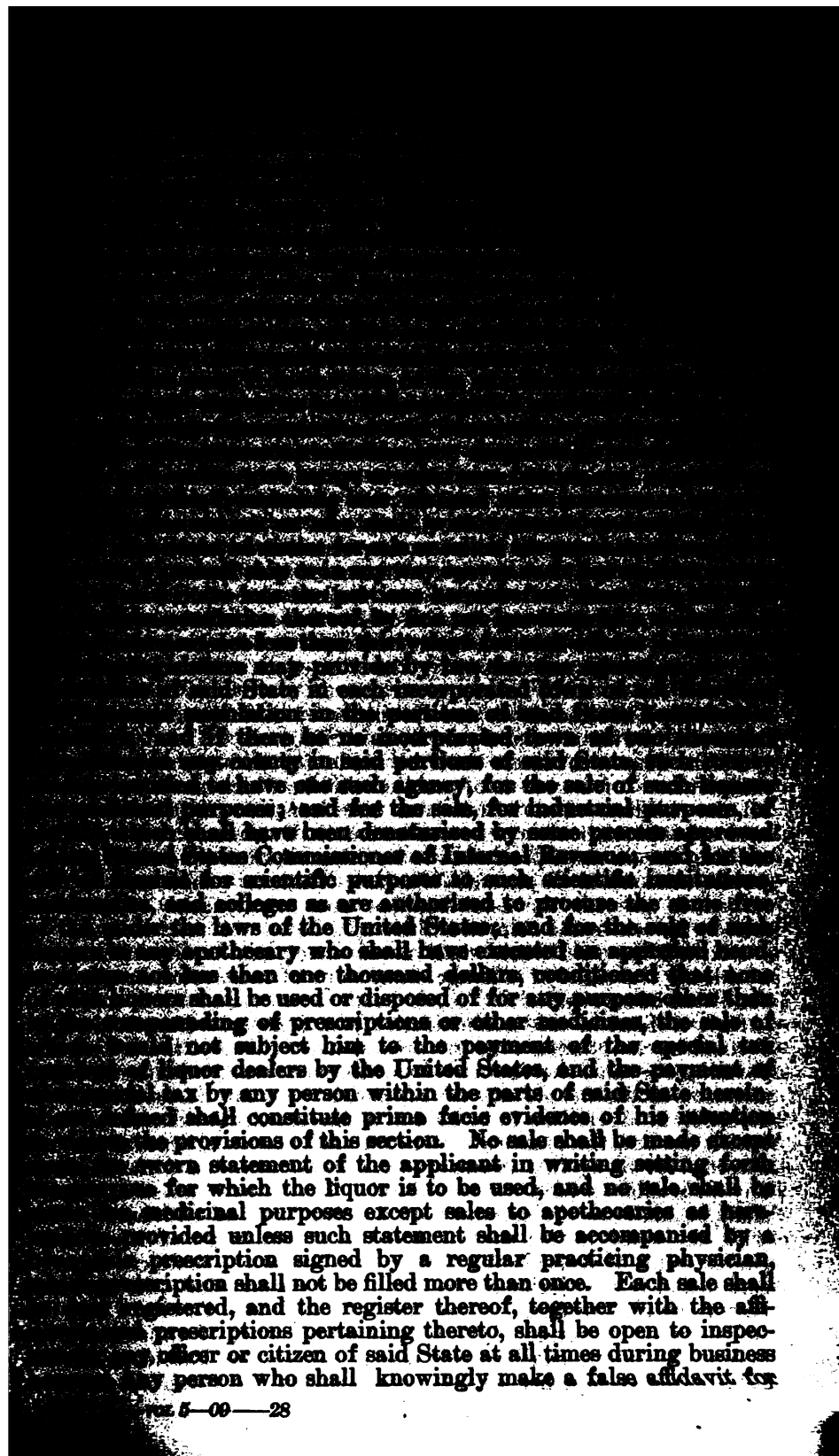
ENABLING ACT FOR OKLAHOMA

[FIFTY-NINTH CONGRESS, FIRST SESSION]

An Act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of the Territory of Oklahoma and the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the area of the United States now known as the Territory of Oklahoma and the Indian Territory, as described, may adopt a constitution and become the State of Oklahoma.

...and the governor of said Territory of Oklahoma shall
...shall establish voting precincts in said Territory
...shall appoint the judges for elections in said Territory
...and two delegates shall be elected from each
...the Commissioner to the Five Civilized Tribes
...the United States courts for the Indian Territory
...by the President, shall constitute a board, which shall
...said Indian Territory into fifty-five districts, as nearly
...as may be, and one delegate shall be elected from
...districts; and the governor of said Oklahoma Territory
...the judge senior in service of the United States courts
...Territory, shall, by proclamation in which such terms
...shall be fully specified and announced, order an election
...delegates aforesaid in said proposed State at a time designated
...within six months after the approval of this Act, which
...shall be issued at least sixty days prior to the time of
...election of delegates. The election for delegates in the
...Oklahoma and in said Indian Territory shall be con-
...returns made, the result ascertained, and the certificates of
...elected to such convention issued in the same manner as is
...by the laws of the Territory of Oklahoma regulating
...for Delegates to Congress. That the election laws of the
...of Oklahoma now in force, as far as applicable and not in
...with this Act, including the penal laws of said Territory of
...relating to elections and illegal voting, are hereby extended
...in force in said Indian Territory until the legislature of
...State shall otherwise provide, and until all persons
...against said laws in the election aforesaid shall have been



Fourth. That the debts and liabilities of said State shall be assumed and paid by the State.

Fifth. That provisions shall be made for the maintenance of a system of public schools for all the children of said State and that said schools shall always be conducted in a non-segregated manner: *And provided further*, that nothing herein shall preclude the establishment of public schools: *And provided further*, that no law shall be construed to prevent the establishment of separate schools for white and colored children.

Sixth. That said State shall never abridge the right of suffrage on account of race or condition of servitude.

SEC. 4. That in case a constitution and government shall be formed in compliance with the provisions hereof, the provisions forming the same shall provide by ordinance that the same shall be submitted to the people of said proposed State at an election to be held at a time and place to be determined by the qualified voters for said State, which election the qualified voters for said State shall vote directly for or against the proposed constitution and any provisions separately submitted. The result of the election shall be made to the secretary of the Territory of Oklahoma with the chief justice thereof and the senior associate justice of the States court of appeals for the Indian Territory of the same; and if a majority of the legal votes cast shall be in favor of the constitution the governor of Oklahoma shall judge senior in service of the United States and the chief justice of the Indian Territory shall certify the result to the President of the United States, together with the statement of the

...the amount of the appropriation...
...in this Act...
...There is hereby appropriated...
...and benefit of the common schools of...
...and thirty-six, and other lands...
...appropriation shall be paid by the...
...such time and to such person or persons...
...State to receive the same under laws to be...
...until said State shall enact such laws...
...paid, but said State shall be allowed interest...
...three per centum per annum, which shall...
...the use and benefit of its public schools...
...million dollars shall be held and invested by...
...the use and benefit of said schools, and the...
...used exclusively in the support and maintenance...
...vided, That nothing in this Act contained shall...
...Act of Congress relating to the Sulphur Springs...
...defined or as may be hereafter defined or extended...
...the United States over it or any other lands...
...hereafter set aside by Congress as a national park...
...for the preservation of objects of archaeological...
...est; and nothing contained in this Act shall interfere...
...and ownership of the United States in any land...
...Congress as national park, game preserve, or other...
...the said Sulphur Springs Reservation, as it now...
...after defined or extended by law; but exclusive...
...cases whatsoever, shall be exercised by the United...
...have exclusive control and jurisdiction over the same...
...this proviso contained shall be construed to prevent...
...said Sulphur Springs Reservation or national park.

and all other lands granted to said States by the eighth and ninth sections of this Act, shall be subject to the rules and regulations, and shall not be subject to any other entry under the land laws of said State surveyed or unsurveyed, but shall be leased to the public only, and until such time as the legislature of said State shall provide otherwise. That before any of the said lands shall be leased under nine and ten of this Act, the said lands and improvements thereon shall be appraised by three disinterested nonresidents of the county wherein the lands are situated, as the legislature of said State shall determine; and the appraisers shall make a true appraisement of the cash value thereof, exclusive of improvements; and shall appraise all permanent improvements thereon at their reasonable value, and in case the leaseholder or purchaser, the purchaser at said sale shall be determined by the regulations as the legislature may prescribe, the holder the appraised value of said improvements shall be added to the amount bid for the said lands, exclusive of improvements; and at said sale no bid for the said lands the appraisement thereof shall be accepted.

Sec. 11. That an amount equal to five per cent of the sales of public lands lying within said State, shall be set aside for the said State, to be used as a permanent fund, the principal of which shall be expended for the support of the public schools within said State.

Sec. 12. That in lieu of the grant of land for the purchase of improvement made to new States by the eighth and ninth sections of this Act, and the tenth section of this Act, hereby repealed as to said State, and in lieu of any other provision of the Act of September 22, 1906, of the State of Oklahoma under the Act of September 22, 1906,

... of Oklahoma City, and one for each of the several counties, for the time being. And the judges of the several judicial circuits shall be appointed by the President of the United States, and shall hold office for the term of years, for the time being. The regular term of said courts shall be held at Muskogee on the first Monday in January and at Vinita on the first Monday in March; at Muskogee on the first Monday in April; at South McAlester on the first Monday in June; at Ardmore on the first Monday in October; at Chickasha on the first Monday of November; at Guthrie on the first Monday in January; at Oklahoma City on the first Monday in March; at Enid on the first Monday in June, and at Lawton on the first Monday in October, in each year, and one grand jury shall be summoned in each year in each of said circuit and district courts, and the circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and perform the same duties required to be performed by the several circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The district attorney, and clerk of each of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the same powers and perform the duties lawfully required to be performed by the several officers in other districts of the United States, and shall

shall be in force throughout said States
by this Act or by the constitution of the
United States not locally inapplicable
effect within said States as elsewhere with

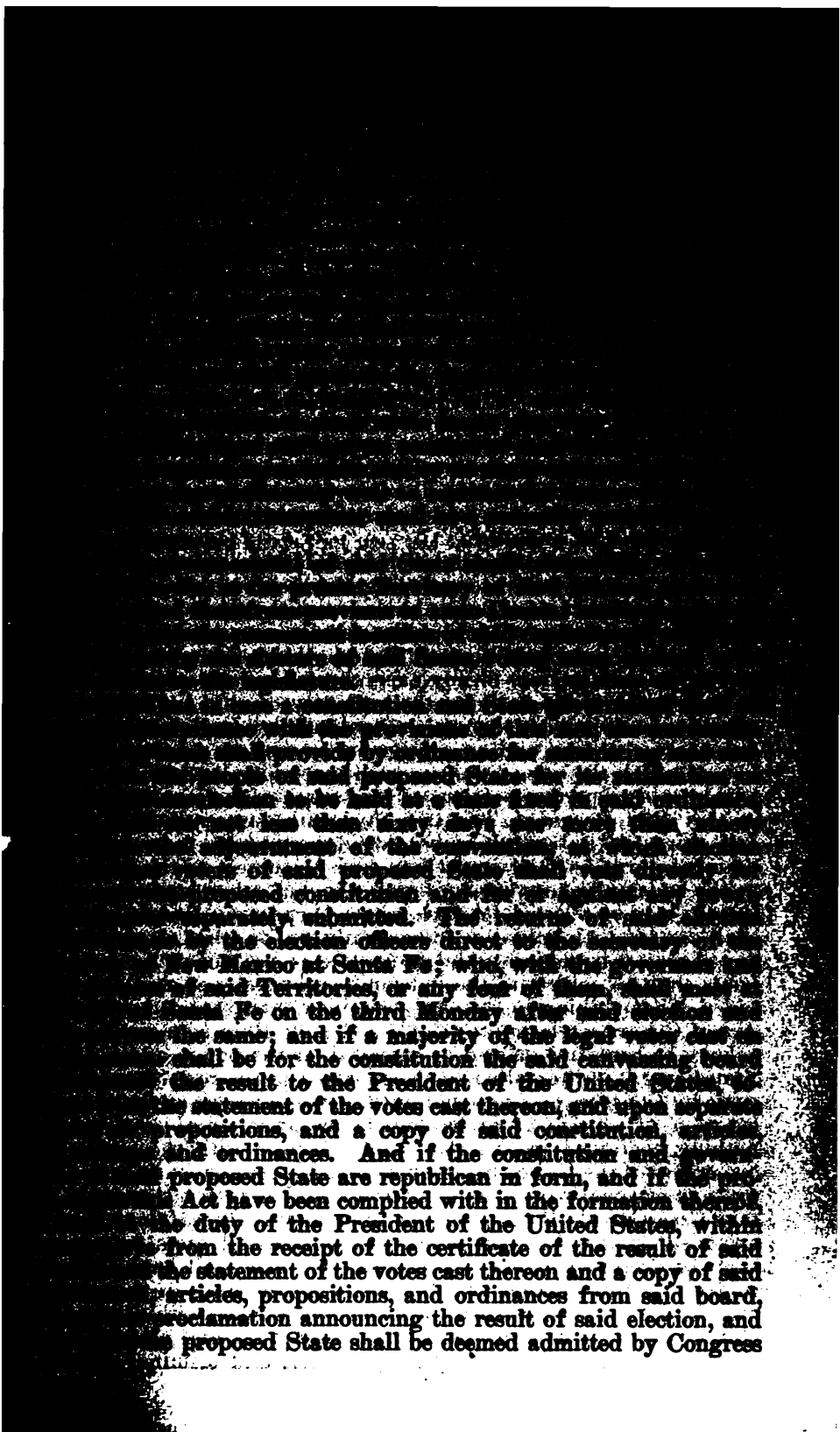
Sec. 22. That the constitutional provisions
shall, by ordinance irrevocable, accept
this Act.

Sec. 23. That the inhabitants of all the
United States now constituting the Territory
Mexico, as at present described, may become
hereinafter provided.

Sec. 24. That at the general election to be
November, nineteen hundred and six, all the
ries, respectively, qualified to vote at such elec
ized to vote for and choose delegates to form
Territories. The aforesaid convention shall
and ten delegates, sixty-six of which delegates
convention by the people of the Territory of
four by the people of the Territory of Arima
chief justices, and secretaries of each of said Ter
shall apportion the delegates to be thus elected
Territories, as nearly as may be, equitably amo
thereof in accordance with the voting population
cast for Delegate in Congress in the respective
hundred and four.

That at the said general election and on the
the names of candidates to the convention afores
shall be submitted to said qualified electors of ea

...of delegates to the convention shall be fully
...and the aforesaid question shall be stated
...clearly stated under that the delegates aforesaid
...shall be voted for and the question shall
...submitted to the qualified electors in each of said
...the herein required at the aforesaid general election
...the delegates shall be considered, the returns with
...persons elected in each convention, made, in the
...the same manner as is prescribed by the laws of said
...respectively, regulating elections therein of members of
...*Provided*, That if it appears from the returns that a
...the qualified electors in the Territory of Arizona vote
...the question at the election voted in favor of the union of
...and Arizona as one State, then, and not otherwise, the
...other proper officer of said Territory of Arizona from
...the result of said election finally comes, shall immediately
...and certify the result as to the election of delegates
...to the secretary of the Territory of New Mexico
...and if it appears from the returns from the election held
...New Mexico that a majority of the qualified voters aforesaid voted
...joint statehood, then in that event the secretary of said
...New Mexico shall make up a temporary roll of the con-
...from the certified returns from both of said Territories, and
...the convention to order at the time herein required, and



...of the land...
...and thirty-sixth sections
national purposes shall not at any
to the indemnity provisions of this
thereto may be selected for such school
shall any lands embraced in Indian
any character be subject to the grants
lands shall be subject to the indemnity
vided, That nothing in this Act contained
Act of Congress relating to the Casa
as may be hereafter defined or extended,
States over it, or any other lands em
aside by Congress as a national park,
ervation of objects of archaeological
nothing contained in this Act shall in
ownership of the United States in any land
gress as national park, game preserve, or
said Case Grande Ruin as it now is or
extended by law, but exclusive legislation,
shall be exercised by the United States, w
control and jurisdiction over the same; but
contained shall be construed to prevent the
Grande Ruin, or national parks, game p
tions hereafter established by law, of civil

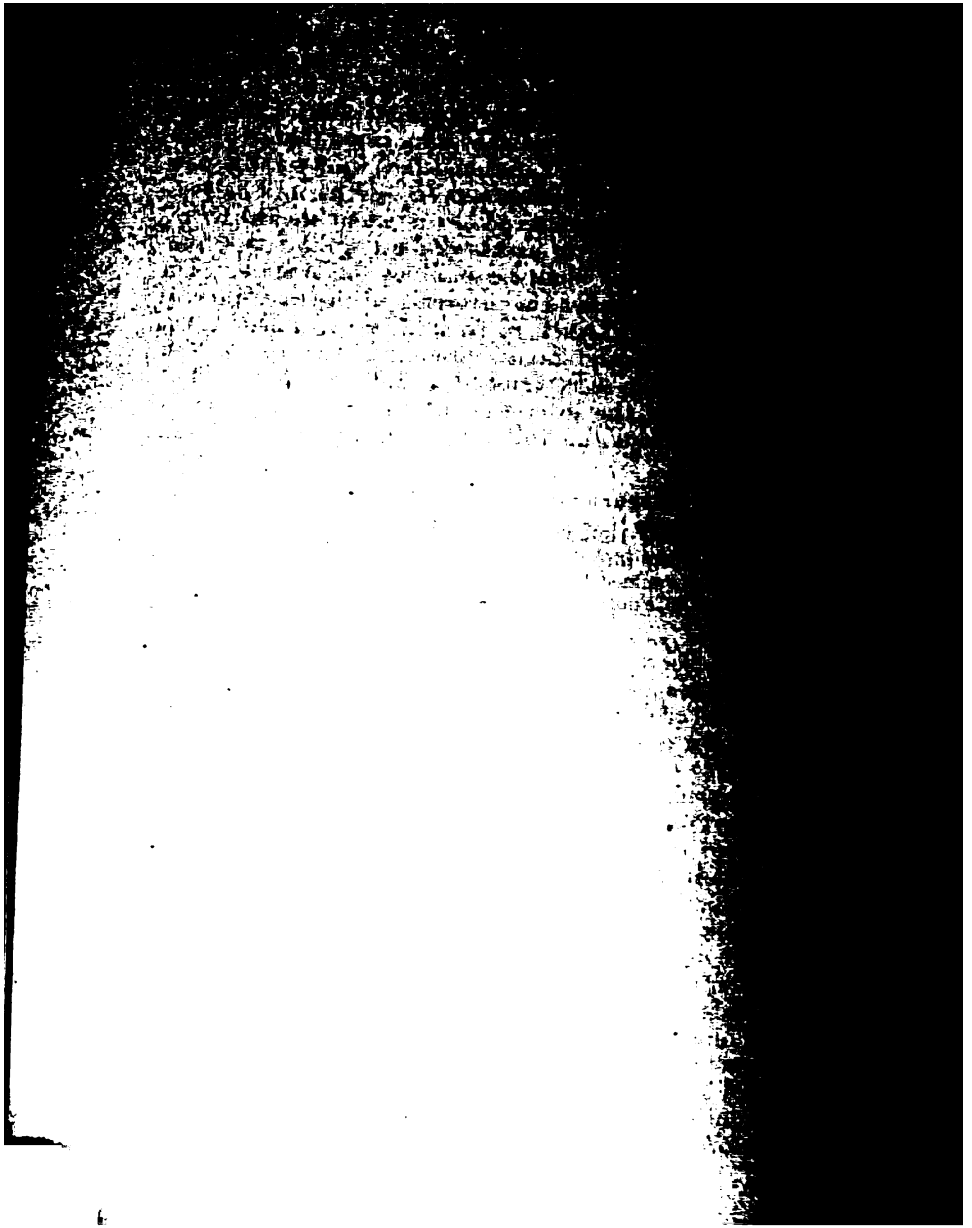
Sec. 39. That in respect to all cases, proceedings, and matters now pending in the supreme or district courts of the said Territories at the time of the admission into the Union of the said State, and arising within the limits of such State, whereof the circuit or district courts by this Act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territories, respectively; and in respect to all other cases, proceedings, and matters pending in the supreme or district courts of the said Territories at the time of the admission of such Territories into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts, respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause, or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territories shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court, as the case may be: *Provided, however,* That in all civil actions, causes, and proceedings in which the United States is not a party transfers shall not be made to the circuit and district courts of the United States except upon cause shown by written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

Sec. 40. That the constitutional convention shall by ordinance provide for the election of officers for a full State government, including members of the legislature and two Representatives in Congress, at the time for the election for the ratification or rejection of the constitution; one of which Representatives shall be chosen from a Congressional district comprised of the present Territory of Arizona, to be known as the First Congressional district, and the other from a Congressional district comprised of the remainder of said State, to be known as the Second Congressional district; but the said State government shall remain in abeyance until the State shall be admitted into the Union as proposed by this Act. In case the constitution of said State shall be ratified by a majority of the qualified voters of said Territories voting at the election held therefor as hereinbefore provided, but not otherwise, the legislature thereof may assemble at Santa Fe, organize, and elect two Senators of the United States in the manner now prescribed by the laws of the United States; and the governor and secretary of state of the proposed State shall certify the election of the Senators and Representatives in the manner required by law, and when such State is admitted into the Union, as provided in this Act, the Senators and Representatives shall be entitled to be admitted to seats in Congress and to all rights and privileges of Senators and Representatives of other States in the Congress of the United States; and the officers of the State government formed in pursuance of said constitution, as provided by the constitutional convention, shall proceed to exercise all the functions of State officers; and all laws of

...of the Territory of Oklahoma, and the proclamation of the President of the United States admitting the State into the Union, see Volume VII, p. 4200 of the Statutes at Large, approved November 16, 1907; the present work was submitted to the Public Printer, September 2, 1907.--E.

June 16, 1906.

...the constitution of Oklahoma of 1907, and the proclamation of the President admitting the State into the Union, see Volume VII, p. 4200 of the Statutes at Large, approved November 16, 1907; the present work was submitted to the Public Printer, September 2, 1907.--E.



... together with its harbors, bays, and waters, and
... within the same, be free and open for the
... the date of the signature of the present
... and subjects of the two contracting
... this agreement is not to be construed as
... which either of the two high contracting
... part of the said country, nor shall it be
... any other power or State to any part of the
... the said object of the high contracting parties, in order
... prevent disputes and differences among themselves.

CONVENTION WITH RUSSIA—1824

ARTICLE I

It is agreed that, in any part of the Great Ocean, commonly called the Pacific Ocean, or South Sea, the respective citizens or subjects of

This convention, which made provision for the joint occupation of what is now the State of Oregon by the United States and Great Britain, was concluded at London October 20, 1818, and ratifications were exchanged January 19, 1819. By a convention concluded August 6, 1827, the provisions of this article were extended and continued in force, with a proviso that either of the contracting parties should have the right, on giving twelve months' notice to the other contracting party, to annul and abrogate the agreement.

The resolution, approved April 27, 1846, authorized the President to give twelve months' notice for the abrogation of the joint occupation, that the Oregon Territory "no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and the friction and conflict of national jurisdictions, dangerous to the cherishing and good understanding of the two countries;" "and that the governments of both countries be the more earnestly directed to the adoption of all proper measures for a speedy and amicable adjustment of all disputes and disputes in regard to the said territory."

The convention, which made provision for regulating fishing and trading on the coast, fixed the line 54° 40' as the northern boundary claimed by the United States. It was concluded at St. Petersburg April 5-17, 1824, ratified January 12, 1825.

It is reserved to the contracting Powers, in the names of the High Contracting Parties, any establishments, forts, or posts, in any of the islands subject to the present Convention, north of the parallel of sixty minutes of north latitude, and shall be none formed by Russia, south of the same parallel.

Article IV

It is, nevertheless, understood that, counting from the signature of the present Convention, both Powers, or which belong to their respective territories, may reciprocally frequent, without restriction, the interior seas, gulfs, harbors, and creeks, in the preceding article, for the purpose of trade with the natives of the country.

Article V

All spirituous liquors, fire-arms, other articles of war of every kind, are always excepted from the commerce permitted by the preceding article. The contracting Powers, reciprocally, neither to sell, nor suffer to be sold, to their natives by their respective citizens and subjects, who may be under their authority. It is likewise understood that no restriction shall never afford a pretext, not to authorize either search or detention of the vessels, or to merchandise, or, in fine, any measures of constraint against the merchants or the crews who may carry on trade. The high contracting Powers reciprocally reserve to themselves the right to determine upon the penalties to be incurred, and to be applied in case of the contravention of this article by their citizens or subjects.

* * * * *

...of the said Council and Her Majesty's Secretary of State for Foreign Affairs and the Plenipotentiary to the United States of America, have agreed, as follows:

...in good and due faith, have agreed upon the following articles:

ARTICLE I

From the point on the forty-ninth parallel of north latitude, which is generally held down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and those of Her Majesty's Highness shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean. *Provided, however,* That the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.

ARTICLE II

From the point at which the forty-ninth parallel of north latitude shall be found to intersect the great northern branch of the Columbia River, the navigation of the said branch shall be free and open to the Hudson's Bay Company, and to all British subjects trading with the said Company, from the point where the said branch meets the main stream of the said river, and thence down the said main stream to the ocean, with the exception of all the usual portages along the line thus described shall, in all respects, be free and open. In navigating the said river or rivers, British subjects, with their goods and produce, shall be treated on the same footing as citizens of the United States; it being, however, understood that nothing in this article shall be construed as

This Treaty was concluded at Washington June 15, 1846, ratifications were exchanged July 17, 1846, and it was proclaimed August 5, 1848.

...the United States Government... shall be transferred to the... agreed upon between the parties.

ARTICLE V

The present treaty shall be ratified by the United States, by and with the advice and consent of the Senate; and the ratification thereof by Her Britannic Majesty; and the ratifications shall be deposited at London, at the expiration of six months after the date of the signing of the said treaty, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the said treaty, and have affixed thereto the seals of their respective Governments.

Done at Washington the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-four.

JAMES K. POLK
RICHARD B. SEAMAN

THE TERRITORIAL GOVERNMENT OF OREGON

[THIRTIETH CONGRESS, FIRST SESSION]

An Act to establish the territorial government of Oregon

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the passage of this act, all that part of the Territory of Oregon, United States which lies west of the summit of the

* See also the acts to authorize extension of session, 1850; and to fix the seat of government, May 4, 1852.

A provisional government was established in Oregon by the grants from the United States, and a constitution was adopted which was recognized. General Joseph Lane, the first to arrive, and, by proclamation, put the territorial government in operation March 3, 1849.

...in the event of a vacancy in the office of the governor, the President of the United States may, by and with the advice and consent of the Senate, appoint a person to fill the office for the unexpired term of the term of the governor so deceased, removed, or resigned, and the person so appointed shall hold his office for four years, and until his successor is appointed and qualified, unless except removed by the President of the United States. The governor shall reside within the said Territory, and the commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian Affairs, and may grant pardons and respites for offences against the laws of the said Territory, and reprieve for offences against the laws of the United States, until the decision of the President can be made in such respect; he shall commission all officers who shall be appointed in the said Territory, where, by law, such commissions shall be required, and shall take care that the laws be faithfully executed.

Sec. 6. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence, semi-annually, on the first of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate, and one copy to the Speaker of the House of Representatives, for the use of the Senate. And in case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform the powers and duties of the governor during such vacancy or absence, until another governor shall be duly appointed and qualified to fill such vacancy.

...to the provisions of this act. And no law shall be passed which shall confer any special privilege or immunity upon any individual or corporation of the United States, or which shall be allowed to be enforced in any territory or other place under the jurisdiction of the United States, or which shall be in violation of the provisions of the Constitution of the United States, or which shall be in violation of the provisions of any act of Congress, or which shall be in violation of the provisions of any treaty of the United States, or which shall be in violation of the provisions of any law of the United States, or which shall be in violation of the provisions of any law of any State, or which shall be in violation of the provisions of any law of any Territory, or which shall be in violation of the provisions of any law of any other place under the jurisdiction of the United States. That no person shall ever be elected to or hold any office in said Territory. That no law shall be passed which shall be in violation of the provisions of the Constitution of the United States, or which shall be in violation of the provisions of any act of Congress, or which shall be in violation of the provisions of any treaty of the United States, or which shall be in violation of the provisions of any law of the United States, or which shall be in violation of the provisions of any law of any State, or which shall be in violation of the provisions of any law of any Territory, or which shall be in violation of the provisions of any law of any other place under the jurisdiction of the United States. That the legislative assembly shall extend to all rightful subjects of legislation, and shall be passed interfering with the primary disposal of the lands or other property of non-residents in any Territory, shall be submitted to the Congress of the United States, and if disapproved, shall be null and void. Provided, That nothing in this act shall be construed to give power to incorporate a bank, or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any purpose whatever, either directly or indirectly. No charter granting any power or privilege of making, issuing, or putting into circulation any bills in the likeness of bank-notes, or any bonds, scrip, or certificates of exchange or obligations, or granting any other bank power or privileges, shall be passed by the legislative assembly; and no branch or agency of any such corporation, derived from other authority, be allowed in said Territory; and no law shall authorize the issue of any obligation, scrip, or evidence of debt by said Territory, in any mode or form whatever, except certificates for services to said Territory; and all laws, or any law or laws inconsistent with the provisions of this act, shall be utterly null and void; and all taxes shall be equal in form, and no distinction shall be made in the assessments upon different kinds of property, but the assessments shall be made on the value thereof. To avoid improper influences which may result from intermixing in one and the same act such things as

...of said Territory, to be appointed and qualified. The said courts shall be divided into three judicial districts, and a district court shall be appointed in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law. The said district courts shall, after their appointments, respectively exercise the jurisdiction which shall be assigned them. The jurisdiction herein provided for, both appellate and original, shall extend to the said probate courts and of justices of the peace. *Provided*, That justices of the peace shall not have jurisdiction in any case in which the title to land shall in controversy, or where the debt or damages claimed shall exceed the value of the property, and the said supreme and district courts, respectively, shall have the jurisdiction in chancery as well as common-law jurisdiction, and the said supreme court or the judge thereof, shall appoint its clerk, register in chancery, and shall keep his office at the seat of the court may be held. Writs of error, bills of review, and appeals shall be allowed in all cases from the final decisions of the district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall a trial by jury be allowed in said court. The said supreme court, or the justices thereof, shall appoint its own clerk, and shall hold his office at the pleasure of the court for so long a time as shall be appointed. Writs of error and appeals from the decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner as from the same court the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, as ascertained by the oath or affirmation of either party, shall not be competent witness, shall exceed two thousand dollars, or where the Constitution of the United States, or any law made in pursuance of a treaty of the United States, is brought in question.

...shall be the same as those of the members of the House of Representatives of the United States, and shall be entitled to the same rights and privileges as have been heretofore enjoyed and enjoyed by the Delegates from the several States to the said House of Representatives; and that the Delegate first elected shall hold his seat only during the session of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner as the governor shall appoint and direct; of which, and the time, place, and manner of holding such elections, he shall give, at least ten days' notice by proclamation; and at all subsequent elections the time, place, and manner of holding the elections shall be determined by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate of election shall be given accordingly. The Delegate from said Territory shall not be entitled to receive more than twenty-five hundred dollars in any one session of Congress, as a compensation for his services in going to and returning from the seat of government of the United States, any act of Congress to the contrary notwithstanding.

That the collector of said territory shall be authorized to employ such persons as he may deem proper, and to pay them such salaries as he may deem proper, and to pay them such salaries as he may deem proper, and to pay them such salaries as he may deem proper.

And be it further enacted, That the collector of said territory shall be authorized to employ such persons as he may deem proper, and to pay them such salaries as he may deem proper, and to pay them such salaries as he may deem proper, and to pay them such salaries as he may deem proper.

And be it further enacted, That the collector of said territory shall be allowed a compensation of one thousand dollars per annum, and the fees allowed by law; and the compensation of any person appointed in pursuance of this act shall not exceed five hundred dollars per annum, including in said sum the fees allowed by law; and the amount collected by any of said surveyors, for fees in any one year, exceeding the sum of five hundred dollars shall be paid for and paid into the Treasury of the United States.

And be it further enacted, That the revenue laws of the United States be, and are hereby, extended over the Territory of Oregon.

And be it further enacted, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury, for the construction of a lighthouse at Cape Disappointment and New Dungeness; and for the construction and anchoring of the requisite number of buoys, to mark the channels at the mouth of the Columbia River, and the entrance to the harbor of Astoria; the said buoys to be placed and maintained under the direction of such persons as the Secretary of the Treasury shall appoint.

Approved, August 14, 1848.

SEC. 1. *And be it further enacted,* That the boundary between the said State and the Territory of Oregon shall be bounded as follows, to wit: Beginning at the mouth of the Columbia River; thence eastward along the middle of the said river, and, where it is divided into two channels, to the widest channel thereof, to a point on the forty-sixth parallel of north latitude; thence on said parallel to the middle of the Snake River; thence up the middle of the Snake River to the mouth of the Owyhee River; thence north to the latitude forty-two degrees north; thence east to the place of beginning, including jurisdiction in all cases upon the Columbia River and Snake River, the States and Territories of which those rivers are common with this State.

SEC. 2. *And be it further enacted,* That the said State shall have concurrent jurisdiction on the said rivers and waters bordering on the said State, and the same shall form a common boundary to the said State or States now or hereafter to be formed on the said rivers and waters, and all the navigable channels shall be common highways and forever free, as to all citizens of said State as to all other citizens of the United States, out any tax, duty, impost, or toll therefor.

SEC. 3. *And be it further enacted,* That upon the apportionment of Representatives, the State of Oregon shall be entitled to one Representative in the Congress of the United States.

SEC. 4. *And be it further enacted,* That the said State be, and the same are hereby, offered to the said Territory, their free acceptance or rejection, which, if accepted, shall be a part of the United States and upon the said State.

...the power to be exercised by the Congress of the United States, in relation to the admission of said State into the Union, shall be extended from one to three years by the act approved December 22, 1850. And that the said State of Oregon shall direct the proceeds of the sale of the lands hereinbefore mentioned to be applied to the payment of the public debt of said State, and that the residue of the same may be hereafter expended for the purposes of public works and internal improvements, as the legislature of said State may direct. *Provided*, That the proceeds of the sale of the lands hereinbefore mentioned, which are now vested in the United States, shall be paid to said State, for the purpose of public works and internal improvements, as the legislature of said State may direct. *Provided*, That the foregoing propositions, hereinbefore set forth, shall be granted on the condition that the people of Oregon shall provide for the same, irrevocable without the consent of the United States. And that the said State shall never interfere with the primary disposal of the lands hereinbefore mentioned by the United States, or with any regulations made by the United States, or with any regulations made by the said State, and necessary for securing the title in said soil to bona fide purchasers thereof; and that in no case shall non-resident purchasers be favored higher than residents. Sixth, And that the said State shall not be liable for the lands or the property of the United States in said Territory. *Provided, however*, That in case any of the lands hereinbefore mentioned, which have heretofore been confirmed to the said State of Oregon for the purposes specified in this act, the amount of the same shall be deducted from the quantity specified in this act. *And be it further enacted*, That, until Congress shall otherwise provide, the residue of the Territory of Oregon shall be, and is hereby, incorporated into and made a part of the Territory of Wash-

February 14, 1859.

...extended from one to three years by the act approved Decem-

...shall be disqualified from holding any office or position of trust or profit, or from being elected to any office or position of trust or profit, until he has been restored to the full enjoyment of his civil rights, and until he has been restored to the full enjoyment of his civil rights, and until he has been restored to the full enjoyment of his civil rights.

...or another such person, or until he has been restored to the full enjoyment of his civil rights, and until he has been restored to the full enjoyment of his civil rights, and until he has been restored to the full enjoyment of his civil rights.

...shall be disqualified from holding any office or position of trust or profit, or from being elected to any office or position of trust or profit, until he has been restored to the full enjoyment of his civil rights, and until he has been restored to the full enjoyment of his civil rights, and until he has been restored to the full enjoyment of his civil rights.

Every person who shall give or accept a challenge to fight a duel, or shall knowingly carry to another person such challenge, or shall go out of the State to fight a duel, shall be ineligible for any office of trust or profit.

No person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the legislative assembly; nor shall any person hold more than one office at the same time, except as in this constitution expressly permitted: *Provided*, That officers in the militia, to which no annual salary, and the office of postmaster, where the compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

The person who may hereafter be a collector or holder of any office shall be eligible to any office of trust or profit until he has accounted for and paid over, according to law, all sums which he may be liable.

In all cases, except treason, felony, and breach of the peace, a person shall be free from arrest in going to elections, during his absence there, and in returning from the same; and no person shall be obliged to do duty in the militia on any day of election, or the time of war or public danger.

In all cases in which it is provided that an office shall not be held by any person more than a certain number of years continu-

* This section is numbered 13 in the original.
* This section is numbered 12 in the original.

The powers of the government are divided into three departments, the legislative, the executive, and the judicial; and no person shall exercise the powers of more than one of these departments, except as in this constitution provided.

ARTICLE III

LEGISLATIVE DEPARTMENT

SECTION 1. The legislative authority shall be vested in the legislative assembly, which shall consist of senators and representatives. The style of every bill shall be, "Be it enacted by the legislative assembly of the State of Tennessee," and no bill shall be enacted except by bill.

SEC. 2. The senate shall consist of sixteen senators and the house of representatives of thirty-four members, which may be increased until the year eighteen hundred and eighty, and the legislative assembly may increase the number of representatives, always keeping as near as may be the number of senators and representatives; the senate shall never exceed thirty and the house of representatives shall never exceed thirty-four members.

SEC. 3. The senators and representatives shall be elected by the electors of the respective counties or districts, and the counties may, from time to time, be divided by law.

SEC. 4. The senators shall be elected for the term of four years and representatives for the term of two years, and they shall be elected after their general election: *Provided, however,* that the first election shall be divided by lot into two equal classes, and the seats of senators of the first class shall expire at the expiration of two years, and those of the second class at the expiration of four years.

...shall be a member of the legislative assembly...

...shall be at least twenty-one years of age... shall be privileged from arrest... shall not be subject to any civil process...

The sessions of the legislative assembly shall be held at the capital of the State, commencing on the second Monday in the year eighteen hundred and fifty-eight, and on the first day of every second year thereafter, unless a different day shall be appointed by law.

Each house, when assembled, shall choose its own officers, its own election, qualifications, and returns of its own members, its own rules of proceeding, and sit upon its own adjournments. Neither house shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

Two-thirds of each house shall constitute a quorum to do business, and a smaller number may meet, adjourn from day to day, and fill the attendance of absent members. A quorum being in either house fail to effect an organization within the time prescribed thereafter, the members of the house so failing shall

hourly.

Sec. 17. Each house shall have the custody of the legislative department of the state.

Sec. 18. Bills may originate in either house or be rejected in the other, except that bills shall originate in the house of representatives.

Sec. 19. Every bill shall be read by each house, unless, in case of emergency where such bill may be depending about the time, the house shall deem it expedient to dispense with this rule. Amendments to bills by sections on its final passage shall in no case be taken. The vote on the passage of every bill shall be taken by yeas and nays.

Sec. 20. Every act shall embrace but one subject, and all subjects properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act which is not expressed in the title, such act shall be void, except in so far as the title thereof as shall not be expressed in the title.

Sec. 21. Every act and joint resolution shall be so framed as to avoid, as far as practicable, the use of technical terms.

Sec. 22. No act shall ever be revised or amended in its title; but the act revised or section amended shall be reprinted and published at full length.

Sec. 23. The legislative assembly shall not pass laws in any of the following enumerated cases:

Regulating the jurisdiction and duties of justices of the peace or of constables;

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying, opening, and working on highways, or for the election or appointment of supervisors;

Vacating roads, town-plats, streets, alleys, and public squares;

Summoning and impaneling grand and petit juries.

Section 10. The members of the legislative assembly shall receive for their services a sum not exceeding three dollars a day from the treasury of the State during the session; but such pay shall not exceed in the aggregate twenty dollars for per-diem allowance for any extra session convened in extra session by the governor, they shall receive three dollars per day; but no extra session shall continue for a longer period than twenty days. They shall also receive the sum of three dollars for every twenty miles they shall travel in going to and returning to their place of meeting on the most usual route. The officers of the assembly shall, in virtue of their office, receive an additional compensation equal to two-thirds of their per-diem allowance as members.

Section 11. No senator or representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the legislative assembly, nor shall be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased, during such term; but this provision shall not be construed to apply to any officer elected by the people.

Section 12. The members of the legislative assembly shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear [or affirm, as may be] that I will support the Constitution of the United States, and the constitution of the State of Oregon, and that I will faithfully discharge the duties of senator [or representative, as the

Sec. 17. Each house shall have the sole power of impeachment.

Sec. 18. Bills may originate in either house, but shall not be reported to the legislative department of the other.

Sec. 19. Bills may originate in either house, but shall not be reported to the legislative department of the other, except that bills which originate in the house of representatives shall be reported to the senate.

Sec. 20. Every bill shall be read by each house, unless, in case of emergency, where such bill may be depending on the passage of which it is deemed expedient to dispense with this rule. The vote on its final passage shall be taken by sections on the passage of every bill as by yeas and nays.

Sec. 21. Every act shall embrace but one subject, and all subjects directly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act which is not expressed in the title, such act shall be void. The title shall be expressed in the title.

Sec. 22. Every act and joint resolution shall avoid, as far as practicable, the use of technical terms.

Sec. 23. No act shall ever be revised or amended in any way, or to its title; but the act revised or section amended shall be published at full length.

Sec. 24. The legislative assembly shall have the power to pass laws in any of the following-enumerated cases:

- Regulating the jurisdiction and duties of justices of the peace and of constables;
- For the punishment of crimes and misdemeanors;
- Regulating the practice in courts of justice;
- Providing for changing the venue in civil and criminal cases;
- Granting divorces;
- Changing the names of persons;
- For laying, opening, and working on highways, and for the appointment of supervisors;
- Vacating roads, town-plats, streets, alleys, and public squares;
- Summoning and impaneling grand and petit juries.

... shall be a public law, unless otherwise provided.

... shall take effect until ninety days after the date of the adjournment of the session, unless the emergency shall have been passed, in which case the emergency shall be declared in the preamble of the bill.

The members of the legislative assembly shall receive for their services a salary not exceeding three dollars a day from the commencement of the session; but such pay shall not exceed in the aggregate twenty dollars for per-diem allowance for any extra session called in extra session by the governor, they shall receive one dollar per day; but no extra session shall continue for a longer period than twenty days. They shall also receive the sum of three dollars for every twenty miles they shall travel in going to and returning to their place of meeting on the most usual route. The members of the assembly shall, in virtue of their office, receive a special compensation equal to two-thirds of their personal services as members.

No senator or representative shall, during the time for which he shall have been elected, be eligible to any office the election of which is vested in the legislative assembly, nor shall be appointed to any office of profit which shall have been created, or the emoluments of which shall have been increased, during such term; but this provision shall not be construed to apply to any officer elected by the people.

The members of the legislative assembly shall, before they assume the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear [or affirm, as the case may be] that I will support the Constitution of the United States, the constitution of the State of Oregon, and that I will faithfully discharge the duties of senator [or representative, as the case may be]."

Sec. 4. The governor shall receive the returns of the several counties at the times and places directed by law; and the returns so received shall be sealed up and transmitted to the speaker of the house of representatives in the presence of both houses.

Sec. 5. The person having the highest number of votes for governor shall be elected; but in case two or more persons shall have an equal and the highest number of votes for governor, at the next regular session, with, by joint vote, proceed to elect one of them.

Sec. 6. Contested elections for governor shall be decided by the legislative assembly in such manner as may be prescribed by law.

Sec. 7. The official term of the governor shall commence at such times as may be prescribed by law.

Sec. 8. In case of the removal of the governor by death, resignation, or inability to discharge the duties of his office, the same shall devolve on the secretary of state; and in case of his removal from office, death, resignation, or inability to discharge the duties of his office, and secretary of state, the president of the senate shall act as governor until the disability be removed or a governor be elected.

Sec. 9. The governor shall be commander in chief of the land and naval forces of this State, and may call out the militia, to execute the laws, to suppress insurrection, or to repel invasion.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. He shall, from time to time, give to the legislature information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

Sec. 12. He may, on extraordinary occasions, convene the legislative assembly by proclamation, and shall state to the assembly, when assembled, the purpose for which they shall have been convened.

Sec. 13. He shall transact all necessary business of the government, and may require information in writing from any officer of the government.

...shall have been passed by the legislature, and shall be in force from the first day of January next following the date of its passage, unless otherwise provided in the bill. If any bill shall not be returned by the governor within the time herein provided, it shall be a law without his signature, unless the legislature shall prevent its return; in which case it shall be a law without his signature, unless the governor, within five days next after the adjournment of the legislature, shall file such bill, with his objections thereon, in the office of the secretary of state, who shall lay the same before the legislature at its next session, in like manner as if it had been returned by the governor.

When, during a recess of the legislative assembly, a vacancy shall happen in any office the appointment to which is vested in the legislative assembly, or when at any time a vacancy shall happen in any other State office, or in the office of judge of any court, the governor shall fill such vacancy by appointment, which shall terminate when a successor shall have been elected and qualified.

The governor shall issue writs of election to fill such vacancies as may be required in the legislative assembly.

The governor shall issue in the name of the State, shall be signed by the governor, sealed with the seal of the State, and countersigned by the secretary of state.

ARTICLE VI

ADMINISTRATIVE DEPARTMENT

There shall be elected by the qualified electors of the State, at the same time and places of choosing members of the legislative assembly, a

Sec. 6. These shall be elected by the electors thereof, at the time of the election of the clerk, treasurer, sheriff, coroner, and other officers, and shall hold office for the term of one year.

Sec. 7. Such other county officers as may be necessary shall be elected, and their duties shall be prescribed by law.

Sec. 8. No person shall be elected to any office who shall not be an elector of the precinct, and city officers shall be elected in the places therein, and perform such duties as may be prescribed by law.

Sec. 9. Vacancies in county, township, and city offices shall be filled in such manner as may be prescribed by law.

ARTICLE VIII

JUDICIAL DEPARTMENT

SECTION 1. The judicial power of the State shall be vested in the supreme court, circuit courts, and county courts of record, having general jurisdiction, to be regulated by law, in accordance with the Constitution. The peace may also be invested with limited jurisdiction, and municipal courts may be created to administer justice in incorporated towns and cities.

SEC. 2. The supreme court shall consist of five justices, chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State three years next preceding their election, and shall continue to reside in their respective districts.

The number of justices and districts may be increased, but shall not exceed five until the white population of the State shall reach one hundred thousand, and shall never exceed six. The boundaries of districts may be changed, but such change shall have the effect to remove a judge from office, and he shall not change his residence without his consent.

Sec. 17. There shall be in each county, a sufficient number of law-officers of the State, and in each district, and shall perform such duties of law and general police as may be required.

Sec. 18. The legislative assembly shall be composed of the permanent citizens of the State; and out of the whole number of electors shall be drawn by lot as grand jurors to find an indictment; but the legislative assembly shall not appoint grand juries.

Sec. 19. Public officers shall not be liable for corruption, malfeasance, or delinquency in the same manner as criminal offences, and shall be removed from office, and such further punishment as may be prescribed by law.

Sec. 20. The governor may remove from office the chief justice, any justice of the supreme court, or prosecuting attorney, upon the resolution of the legislative assembly, in which two-thirds of each house shall concur, for incompetency, or delinquency in office, or other sufficient cause.

Sec. 21. Every judge of the supreme court, and every justice of the peace, and every secretary of state, the following oath:

"I, ———, do solemnly swear [or affirm] that I will support the Constitution of the United States and the constitution of Oregon, and that I will faithfully and impartially perform the duties of a judge of the supreme and circuit courts according to the best of my ability, and that I will not accept of any office except judicial offices during the term for which I am elected."

...of all the members...
...shall be...
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...no part of the university...
...shall be expended until the...
...on of this constitution, unless the...
...by the consent of Congress, for

ARTICLE IX

FINANCE

...legislative assembly shall provide by law for a uni-
...The rate of assessment and taxation, and shall prescribe
...as shall secure a just valuation for taxation of all

Sec. 1. All officers and non-commissioned officers shall be appointed by the lowest competent authority, and shall hold their offices until the next meeting of the legislative assembly shall be held, unless otherwise provided by law, and shall be removable by the legislative assembly.

ARTICLE

MILITIA

SECTION 1. The militia of this State shall consist of all male citizens between the ages of eighteen and thirty years, or such persons as now are, or hereafter may be, citizens of the United States, or of this State.

SEC. 2. Persons whose religious tenets forbid them to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal services.

SEC. 3. The governor shall appoint the chief officers of the general staff, and the other chief officers of the line shall be elected by the militia in their respective districts.

SEC. 4. The majors-general, brigadiers-general, and mandants of regiments, battalions, or squadrons, shall be appointed by the governor, and shall be of the line and staff ranking as such.

SEC. 5. The legislative assembly shall fix the number of divisions, brigades, and companies, and make all other needful regulations.

SECTION 1. The legislative assembly shall establish a permanent seat of government. At its next regular session after the adoption of this article, the assembly shall provide by law for the location of this State, at the next general election, for the selection of a place for a permanent seat of government. The place so selected shall ever be the seat of government, and no other place shall receive a majority of all the votes cast at such election.

SEC. 2. No tax shall be levied, or money borrowed, or debt contracted for the erection of a State building, until after the year eighteen hundred and sixty-five.

SEC. 3. The seat of government, when established in accordance with section one, shall not be removed for the term of years specified in the time of such establishment, nor in any other case, except as provided in the first section of this article: and all the institutions of the State hereafter provided for by law shall be located at the seat of government.

ARTICLE XV

MISCELLANEOUS

SECTION 1. All officers, except members of the legislature, shall hold their offices until their successors are qualified.

SEC. 2. When the duration of any office is not otherwise provided for by law, it shall be for the term of four years.

Section XVI

That the boundary between the State of Oregon and the Territory of Washington be and the same be as follows, to-wit: Beginning and ending at the mouth of the Columbia River, thence northerly to the line of the coast, lying west and opposite the islands within the jurisdiction of the United States west and opposite the middle of the north main channel of the River; thence easterly to and up the middle channel of the coast, where it is divided by islands, up the middle of the coast thereof, and in like manner up the middle of the main channel of the River to the mouth of the Oyzyer River; thence easterly to the parallel of latitude forty-two degrees north; thence easterly to a parallel to the place of beginning, including ports, harbors, and criminal cases upon the Columbia River and the mouth thereof, concurrently with States and Territories of which those ports, harbors, and criminal cases are a boundary in common with this State. But the Congress of the United States, in providing for the admission of this Territory, may make the said northern boundary conform to the boundary of the Territory of Washington.

Sec. 1. If the people of the State shall, at a general election, vote for or reject the proposed constitution, the amendments of the constitution shall be proposed by the legislative assembly, or of the next legislative assembly, or of the next general election, and amendments shall be proposed.

ARTICLE II

SECTION 1

SECTION 1. For the purpose of submitting to the State for the acceptance or rejection a constitution shall be held on the second Monday of the month of August, 1857, to be conducted according to the provisions of the constitution of the State, so far as the same may otherwise be provided.

SEC. 2. Each elector who offers to vote shall be asked by the judges of election this question:

"Do you vote for the constitution—yes or no?"

And also this question:

"Do you vote for slavery in Oregon—yes or no?"

And also this question:

"Do you vote for free negroes in Oregon—yes or no?"

And in the poll-books shall be columns headed "Constitution—Yes;" "Constitution—No;" "Free negroes—No;" "Slavery—Yes;" "Slavery—No;" and the names of the electors shall be entered in the poll-books, together with their answers to the said questions under their appropriate columns. The poll-books of the votes transmitted to the secretary of the State shall be publicly opened, and canvassed by the governor, or in his absence, the secretary, shall forthwith issue a certificate of the result of the election.

of the change of government, the boundaries shall not be affected by such change.

Sec. 11. Until otherwise provided by law the State shall be constituted as follows: The counties of Josephine, and Douglas shall constitute the first district; the counties of Umpqua, Coos, and Curry shall constitute the second district. The counties of Clatsop, and Washington shall constitute the third district; Clackamas, Multnomah, Wasco, and Columbia shall constitute the fourth district; and the counties shall be attached to the county of Clatsop.

Done in convention, at Salem, the eighth day of the month of September, in the year of our Lord one thousand eight hundred and eighty-six, and of the Independence of the United States the thirtieth.

CHESTER N. TERRY, *Secretary.*

M. C. BARKWELL, *Assistant Secretary.*

AMENDMENT OF THE CONSTITUTION OF OREGON

Section 1 of article IV of the Constitution shall be, and hereby is, amended to read as follows:

"SECTION 1. The legislative authority of the State shall be vested in a legislative assembly, consisting of a senate and a house of representatives, but the people reserve to themselves the right to propose and amendments to the constitution and to vote thereon."

*Adopted by the twentieth legislative assembly; adopted by the people, by vote of the legislative assembly; adopted by the people, by vote of the people, against it, June 2, 1902.

(June 4, 1904)

The Constitution of the State of Oregon shall be amended by inserting the following section in said article IV, section 1, and before section 2, and it shall be designated as section 1a of article IV:

The referendum may be demanded by the people of any county, city, town, or district, in the same manner in which such power may be exercised by the people to demand a complete act. The filing of a referendum petition for any one or more items, sections, or parts of an act shall prevent the remainder of that act from becoming operative. The powers reserved to the people by this constitution shall be hereby further reserved to the legal voters of every county, city, town, and district, as to all local, special, and municipal legislation of every character, in or for their respective municipalities. The manner of exercising said powers shall be the same as for general laws, except that cities and towns may provide for the manner of exercising the initiative and referendum powers in their municipal legislation. Not more than ten per cent of

...of Oregon as part of the ...
...is effect as a part of the ...
...provision. When two or more ...
...in the manner aforesaid to the ...
...tion, they shall be so submitted ...
...on separately. No convention shall ...
...amendments to this Constitution, ...
...unless the law providing for such ...
...by the people on a referendum vote ...
...This article shall not be construed to ...
...to amend this Constitution by vote ...
...therefor."

Section 2 of article XI of the Constitution shall be, and the same is, hereby amended to read as follows:

"SEC. 2. Corporations may be formed and not be created by the legislative assembly. The legislative assembly shall not enact, amend or repeal any act of incorporation for any municipality, and the voters of every city and town are hereby empowered to amend their municipal charter, subject to the criminal laws of the State of Oregon."

Section 1 of article XII of the Constitution shall be, and hereby is, amended to read as follows:

"SECTION 1. Laws may be enacted providing for the election or appointment of any officer, and for the election or appointment of any officer who shall have had not less than ten years' experience in printing. The State Printer shall receive such salary from time to time be provided by law. Until otherwise provided the State Printer shall be elected and shall hold office heretofore provided by this constitution and the laws of the State of Oregon."

...of the United States, and the President is hereby authorized to execute the same, for and on behalf of the United States, and he may deem reasonable, perpetual control over the territory of the Republic of Colombia, and the waters thereof, extending from the Caribbean Sea, on the north, to the Pacific Ocean, on the south, and the right to use and dispose of the waters thereof, to construct, and to perpetually maintain, operate, and control a canal, of each depth and capacity as will allow the passage of ships of the greatest tonnage and draft now in use, from the Caribbean Sea to the Pacific Ocean, which control shall be exercised by the United States, and the President shall be authorized to perpetually maintain and operate the Panama Canal, and to acquire the ownership thereof, or a controlling interest therein, and to acquire such additional territory and rights as he may deem necessary, and in his judgment will facilitate the general purpose of this Act, and the President shall have arranged to secure a title to the property of the New Panama Canal Company,

Section 1. That the President of the United States is authorized to charter the Canal Company and the canal of the Republic of Colombia and the Republic of Costa Rica, within a reasonable time, and the President, having first obtained the control by treaty of the necessary territory in Nicaragua, upon terms which he may deem proper, to construct, perpetual maintenance, operation and control of a canal connecting the Caribbean Sea with the Pacific Ocean, which is commonly known as the Nicaragua Canal. If the Isthmian Canal Commission cause to be constructed a ship canal and waterway from a point on the Caribbean Sea near Greytown, by way of Lake Nicaragua to the Pacific Ocean. Said canal shall be of sufficient depth to afford convenient passage for vessels of the largest and greatest draft now in use, and such as may hereafter be invented, and shall be supplied with all necessary locks and facilities to meet the necessities of vessels passing from the ocean to ocean; and he shall also construct and maintain necessary harbors at the termini of said canal as shall be required for the safe and convenient use thereof, and shall make such provisions for defense as may be necessary for the safety and protection of the harbors and canal; and such sum or sums of money as may be required upon by such treaty as compensation to be paid to the Republic of Costa Rica for the concessions and rights heretofore acquired by the United States, are hereby appropriated, and the money in the Treasury not otherwise appropriated may be used by warrant or warrants drawn by the President.

...of the width of the water ...
...on each side of the center line of the ...
...the said zone beginning in the ...
...the said zone from mean low water mark and extending ...
...of Panama into the Pacific Ocean ...
...from mean low water mark with the ...
...Panama and Colon and the harbor ...
...included within the boundaries of the zone ...
...not be included within this grant. The Republic of ...
...grants to the United States in perpetuity the ...
...control of any other lands and waters outside of the ...
...which may be necessary and convenient for the ...
...maintenance, operation, sanitation and protection of the ...
...any auxiliary canals or other works necessary for ...
...the construction, maintenance, operation, sanitation ...
...of the said enterprise.

...of Panama further grants in like manner to the ...
...perpetuity all islands within the limits of the zone ...
...and in addition thereto the group of small islands in ...
...named Perico, Naos, Culebras and Flamenco.

ARTICLE III

...of Panama grants to the United States all the rights ...
...perpetuity within the zone mentioned and described in ...
...the agreement and within the limits of all auxiliary

...of Panama, and the United States the Republic of Panama the right and authority to enforce the laws and authority are granted to the United States in the order in the cities of Panama and Colon and harbors adjacent thereto in case the laws should not be, in the judgment of the United States, enforced.

ARTICLE VIII

The Republic of Panama grants to the United States all rights and interests now or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as well as the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the Panama Canal Company to sell and transfer to the United States all the rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of the same and the public lands situated outside of the zone defined in Article II of this treaty now included in the concession of the Panama Canal Company and not required in the construction or operation thereof shall revert to the Republic of Panama except any lands now owned by or in possession of said companies within the zone or the ports or terminals thereof.

which in each port may be
houses and goods on board
vessels destined to other
traband trade. The United States
of the towns and harbors of
age, and for making repairs
transhipping cargoes either in
the Canal and for other works

ARTICLE X

The Republic of Panama agrees that
any taxes, national, municipal, depart-
upon the Canal, the railways and
vessels employed in the service of the
offices, quarters for laborers, factories
wharves, machinery and other works,
ing to the Canal or railroad and auxiliary
employees, situated within the cities of Panama
there shall not be imposed contributions or
acter of any kind upon officers, employees, la-
uals in the service of the Canal and railroad

ARTICLE XI

The United States agrees that the official
ment of the Republic of Panama shall be
graph and telephone lines established for
public and private business at rates not higher
from officials in the service of the United States

ARTICLE XII

The Government of the Republic of Panama
gration and free access to the lands and works
its auxiliary works of all employees and workers

Article XIV

As compensation for the rights herein granted to the Government of the United States agree to pay to the Republic of Panama the sum of ten million dollars (\$10,000,000) in cash and also an annual payment during the life of this Convention of two hundred and fifty thousand dollars (\$250,000) in cash, beginning nine years after the date aforesaid. The payments of this Article shall be in addition to all other benefits granted by the Republic of Panama under this convention. Any dispute or difference of opinion under this Article or any other part of this treaty shall affect or interrupt the full operation of this convention in all other respects.

ARTICLE XV

The Commission referred to in Article VI shall be established as follows: The Government of the United States shall nominate two persons and the Government of the Republic of Panama shall nominate two persons to proceed to a decision; but in case of disagreement of the Commission on any reason of their being equally divided in conclusion, the decision shall be appointed by the two Governments who shall be the umpire. In the event of the death, absence, or incapacity of the umpire, or of his omitting, declining or ceasing to act, the vacancy shall be filled by the appointment of another person by the two Governments above indicated. All decisions by a majority of the Commission and the umpire shall be final.

The Canal, when completed, shall be neutral in perpetuity, and shall be governed by Section I of Article VIII of the stipulations of the treaty between the United States and Great Britain...

ARTICLE XX

The Government of the Republic of Panama shall permit the free and safe transport over the Canal its vessels and cargoes, and shall exempt from duty in such vessels at all times without limitation of tonnage, the transportation of persons in the service of the Government or of the police force charged with the protection of the Canal, outside of said zone, as well as to their families and supplies.

ARTICLE XX

If by virtue of any existing treaty in relation to the Isthmus of Panama, whereof the obligations have been assumed by the Republic of Panama, there shall be any concession in favor of the Government or the Republic of Panama a third power relative to an interoceanic canal, which in any of its terms may be incompatible with the present convention, the Republic of Panama shall ratify such treaty in due form, for which purpose it shall notify said third power the requisite notification within six months from the date of the present convention. If the existing treaty contains no clause permitting its annulment, the Republic of Panama agrees to proceed to its annulment in such form that there shall not exist any stipulations of the present convention.

... Panama at or before the expiration of the term of the concession granted in or by the said laws, decrees, orders, regulations, and concessions, and all right, title, and interest, and all claims, and all rights, which may hereafter have, in and to the lands, waters, and rights, held by the said companies under and by virtue of or otherwise, and acquired or to be acquired by the said companies or through the New Panama Canal Company, and all property and rights which might or may in the future be acquired by time, forfeiture or otherwise, revert to the Republic of Panama, under any contracts or concessions with said Republic, the Panama Railroad Company, the Panama Canal Company, or the New Panama Canal Company.

The aforesaid rights and property shall be and are free and exempt from any present or reversionary interest in or claims of Panama, and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic of Panama secured under this treaty.

ARTICLE XXIII

Should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use the land and its land and naval forces or to establish fortifications for such purposes.

of the territory, and the United States will sell or lease to the United States any land or building situated on the Caribbean coast of the Republic of Panama with the President of the United States.

Article X

This convention when signed by the Contracting Parties shall be ratified by the respective Governments, and the ratifications shall be exchanged at the earliest date possible.

In faith whereof the respective Plenipotentiaries have signed this present convention in duplicate and have affixed their respective seals.

Done at the City of Washington the 18th day of January, 1904, in the year of our Lord nineteen hundred and four.

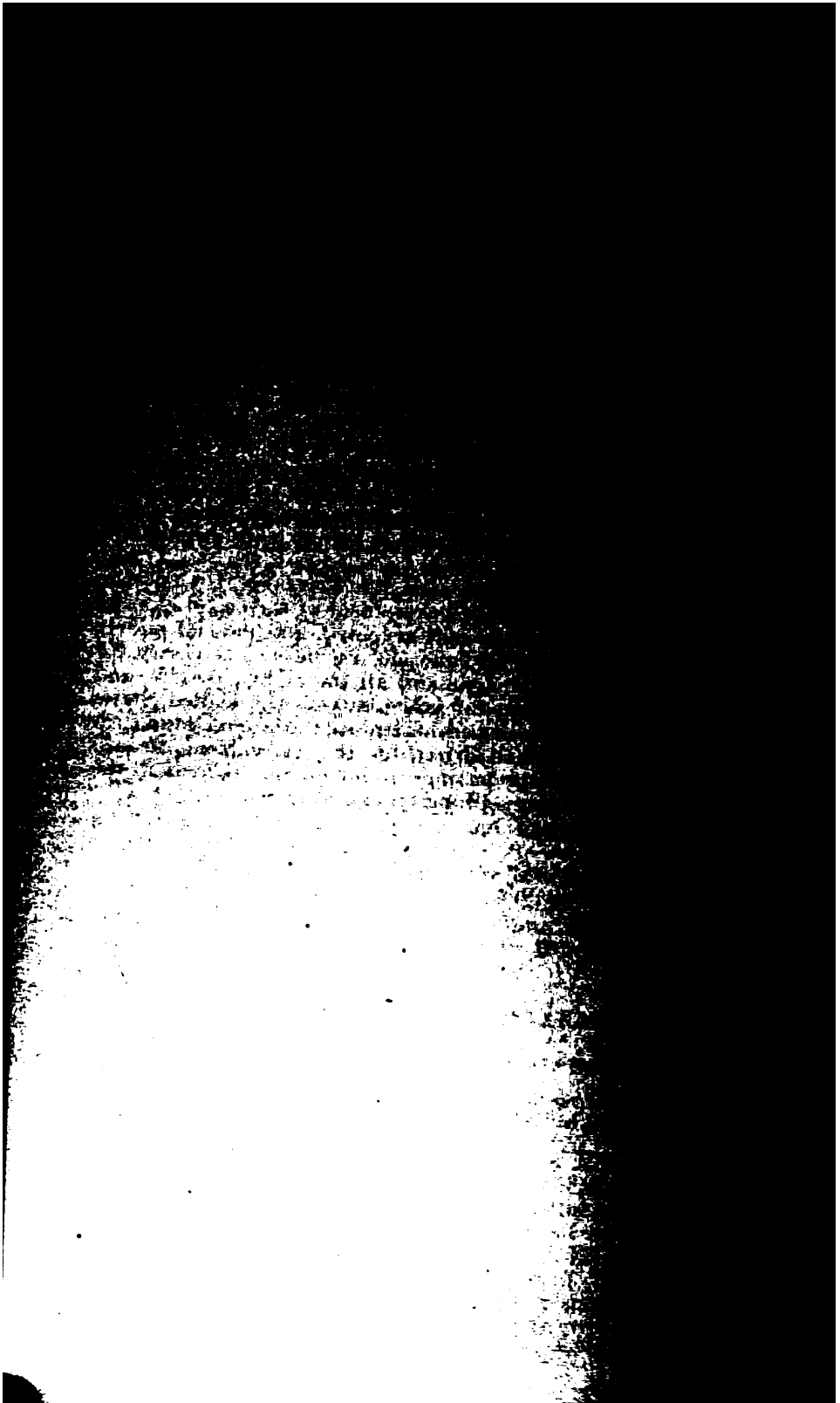
John
P. Bun

TEMPORARY GOVERNMENT OF CANAL ZONE

[FIFTY-EIGHTH CONGRESS, SECOND SESSION]

An Act to provide for the temporary government of the Canal Zone of Panama, the protection of the canal works, and

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President is hereby authorized, upon the acquisition of the Panama Canal Company and the payment to Panama of the ten millions of dollars provided for in the Panama Canal Company and the payment to Panama of the ratifications of which were exchanged on the 18th day of February, nineteen hundred and four, to be provided for by the Government, to take possession of and occupy the



...the said County and the Limits thereof, and the same we will have it called.

...as Wee have hereby made and ordained the afore-
said *William Penn*, his heires and assignes, the true and absolute
Proprietors of all the Lands and Dominions aforesaid, know us
in full Power, That Wee reposing speciall trust and Confidence in the
Wisdom, Justice, and provident circumspection of the said
said *William Penn* for us, our heires and Successors, Doe grant free, full,
and absolute power by vertue of these presents to him and his heires,
heirs and their Deputies, and Lieutenants, for the good and
best Government of the said country, to ordeyne, make, and enact,
and cause his and their Seales to publish any Lawes whatsoever,
for raising of money for the publick use of the said Province, or
for any other End, apperteyning either unto the publick state, peace,
or safety of the said Country, or unto the private utility of partic-
ular persons, according unto their best discretions, by and with the
Consent, and approbation of the Freemen of the said Country,
the greater parte of them, or of their Delegates or Deputies,
whenever for the Enacting of the said Lawes, when, and as often as
they shall require, Wee will that the said *William Penn* and his
heires shall assemble in such sort and forme, as to him and them
shall seeme best, and the same Lawes duly to execute, unto and upon
all persons within the said Country and the Limitts thereof.

And Wee doe likewise give and grant unto the said *William Penn*,
his heires, and to his and their Deputies and Lieutenants, full
power and authoritie to appoint and establish any Judges and
Magistrates and Officers whatsoever, for what Causes soever,
and for the granting of Administrations

within the precincts aforesaid and with what Power soever, and in such forme as to the said *William Penn* or his heires shall seeme most convenient: Also to remitt, release, pardon, and abolish whether before Judgement or after all Crimes and Offences whatsoever comitted within the said Countrey against the said Lawes, Treason and wilful and malitious Murder onely excepted, and in those Cases to grant Reprieves, until Our pleasure may bee known therein and to doe all and every other thing and things, which unto the compleate Establishment of Justice, unto Courts and Tribunalls, formes of Judicature, and manner of Proceedings doe belong, altho in these presents expresse mention bee not made thereof; And by Judges by them delegated, to award Processe, hold Pleas, and determine in all the said Courts and Tribunalls all Actions, Suits, and Causes whatsoever, as well Criminall as Civill, Personall, reall and mixt; which Lawes, soe as aforesaid to bee published, Our Pleasure is, and soe Wee enjoyne, require, and command, shall bee most absolute and avaylable in law; and that all the Liege People and subjects of Us, Our heires and Successors, doe observe and keepe the same inviolabl in those partes, soe farr as they concerne them, under the paine therein expressed, or to bee expressed. PROVIDED nevertheles, That the said Lawes bee consonant to reason, and bee not repugnant or contrarie, but as neare as conveniently may bee agreeable to the Lawes and Statutes, and rights of this Our Kingdome of *England*; And Saving and reserving to Us, Our heires and Successors, the receiving, hearing, and determining of the appeale and appeales of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgement to bee there made or given.

AND forasmuch as in the Government of soe great a Countrey, sudden Accidents doe often happen, whereunto itt will bee necessarie to apply remedie before the Freeholders of the said Province, or their Delegates or Deputies, can bee assembled to the making of Lawes; neither will itt bee convenient that instantly upon every such emergent occasion, soe greate a multitude should be called together: Therefore for the better Government of the said Countrey Wee will, and ordaine, and by these presents, for us, our Heires and successors, Doe Grant unto the said *William Penn* and his heires, by themselves or by their Magistrates and Officers, in that behalfe duely to bee ordeyned as aforesaid, to make and constitute fitt and wholesome Ordinances, from time to time, within the said Countrey to bee kept and observed, as well for the preservation of the peace, as for the better government of the People there inhabiting; and publickly to notifie the same to all persons, whome the same doeth or anyway may concerne. Which ordinances, Our Will and Pleasure is, shall bee observed inviolably within the said Province, under Paines therein to be expressed, soe as the said Ordinances bee consonant to reason, and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our Kingdome of *England*, and soe as the said Ordinances be not extended in any Sort to bind, charge, or take away the right or Interest of any person or persons, for or in their Life, members, Freehold, goods, or Chattles. And our further will and pleasure is, that the Lawes for regulateing and governing of Propertie within the said Province, as well for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and Chattles, and likewise as to Felonies, shall bee

Our further Will and pleasure is, that neither the said *William Penn*, nor his heires, or any other the inhabitants of the said Province or Country, shall at any time hereafter have or maintain any Correspondence, Alliance, or Intercourse, with any other king, prince, or State, or with any of their Subjects, who shall then be in Warr against us, our heires or Successors, nor shall they be affected or molested thereby.

And our will and pleasure is, that neither the said *William Penn*, nor his heires, or any other the inhabitants of the said Province or Country, shall at any time hereafter have or maintain any Correspondence, Alliance, or Intercourse, with any other king, prince, or State, or with any of their Subjects, who shall then be in Warr against us, our heires or Successors, nor shall they be affected or molested thereby.

against the Duke of Buckingham
years thousand six hundred
thousand of Our Special grace,
is Granted, and
Our
Law

and
Islands
their own
of the Princes
or them that shall be willing
think fitt, To have and to hold
willing to take or purchase,
or fee-tails, or for the terms of years,
the said *William Penn*, his heires
iory of *Windsor*, by such services,
fitt to the said *William Penn*, his
ately of us, our heires and successors
persons, and to all and every of them,
presents, for us, our heires and
power, that such person or persons
parcell thereof, of the aforesaid *William Penn*,
and the same hold to themsel
estate of inheritance soever, in
wise, as to him, the said *William Penn*,
seem expedient: The Statute made
sonne of King *HENRY*, late King of
monly called *The Statute QUIA E*
lished in our Kingdome of *England* in

AND by these presents wee give and
William Penn, and his heires, likewise,
and persons to whom the said *William Penn*,
any time hereafter grant any estate
erect any parcells of Land within the
nors, by and with the Licence to be first

...of the ...
...of the ...
...of the ...
...of the ...

...of the ...
...of the ...

That so soon as it pleaseth (how many
there, a certain quantity of land, or part
a large town or city, in the most convenient
health and navigation; and every parcel
by lot, have so much land therein as
which he hath bought, or taken up, upon
that the surveyors shall consider what
necessary to the cities, towns, or thro
from city to city not to contain less than
be first laid out and declared to be for high
of acres be laid out for the purchaser, and
had for the streets in the towns and cities
venient roads and streets preserved, not to
planter or builder, that none may build
of another. *In this, custom governs.*

II. That the land in the town be laid out
portion of *ten thousand* acres of the whole

* Votes and Proceedings of the House of Representatives
Pennsylvania, beginning the Fourth Day of December
phia, printed and sold by B. Franklin, and D. Hall
near the market, MDCCLII, pp. xxiv-xxvi.

*This Charter passed the Great Seal on the fourth
usually given as the date of the instrument.—*

the said province, and to see that the same be observed, and that he shall cause the same to be published, and that he shall cause the same to be read in the public assembly, or some inferior assembly, of his power, take care with the said Indians, that no reasonable satisfaction be made to them.

XIV. That all differences between the said planters and natives; that so we may live friendly, and preventing all occasions of hatred.

XV. That the *Indians* shall have liberty to improve their ground, and to settle their families, that any of the planters shall not molest them.

XVI. That the laws, as to slanders, and pride in apparel, trespasses, districutions, and offences, shall be the same as in *England* province.

XVII. That all shall mark their houses, and what are not marked within *three* months, be it young or old, it shall be forfeited, and the people may be compelled to avoid the occasion of the planters.

XVIII. That, in clearing the ground, for every *five* acres cleared, there shall be planted *five* mulberries, for silk and shipping.

XIX. That all ship-masters shall give account of their names, ships, owners, freights and passages, to the appointed for that purpose, which shall be done *seven* days after their arrival, and if they shall not do so, none presume to trade with them, upon pain of such masters be looked upon as having an offence.

XX. That no person leave the province, without a license made thereof, in the market place, three weeks before.

William Penn
 Governor
 William Penn
 Esq
 Proprietor
 of the Province
 of Pennsylvania
 in America
 in the presence
 of
 John Dutton
 Esq
 Secretary
 of the Province
 of Pennsylvania
 in America
 and
 John Jones
 Esq
 Clerk
 of the Province
 of Pennsylvania
 in America

PENN'S CHARTER OF LIBERTIES—1701

I do hereby certify to whom these presents shall come **WILLIAM PENN** Proprietor of the said Province by his Letters, Patents under the Great Seal of Great Britain bearing the second by his Letters, Patents under the Great Seal of Great Britain for the Considerations therein mentioned hath been graciously pleased to give and grant unto me **William Penn** Esq. by the said Letters, Patents William Penn Esq's son and heir of St. William Penn Esq. and to my heirs and assigns forever **ALL** that tract of land in America called **PENNSYLVANIA** in America with divers Great Feoffments, Liberties, Royalties, Jurisdictions and Authorities pertaining to the Well being and Government thereof now under the Great Seal of Great Britain and Government of the said Province and for the better Management of all the freemen and Planters that may be or shall be obtained in pursuance of the powers afore mentioned I the said **William Penn** have declared Granted and Confirmed and by these presents for me my heirs and Assigns do declare grant and Confirm unto all the freemen Planters and Adventurers of in and to the said Province those Liberties franchises and properties so as unto the said Province Kept by the Freemen Planters and Inhabitants of and to the said Province of Pennsylvania forever.

AND **THAT** the Government of this Province shall so long as the Powers of the Patent consist of the Governour and Council of the said Province in the form of a Provincial Council or General Assembly by whom all Laws Shall be made Officers

Francis N. Thorpe, March 11, 1893, from the original Charter, in the possession of Dr. Edward Maria, 1106 Pine Street, Phila.

shall continue therein until the next Election ensuing his death or his place for the remainder of the term.

4. THAT—After the first Seven years that goeth yearly one shall be chosen for one whole year following that he shall be of full age and have Experience of the Country.

5. THAT—In the provincial Councils at such moment as There agreeing upon Bills for the erecting Courts of Justice having Judgments and choice of Officers in such manner as shall be thought fit. Not lesse than Two Thirds of the whole shall make a Quorum and that the Consent and assent of said Quorum shall be had in all such Cases. And moreover that in all cases and matters in which four members of the said Provincial Council shall determine on such Cases and Causes of Law.

6. THAT—In this Provincial Council the Governour shall or may always preside and have a voice. The Provincial Council shall always Continue in their Journments and Committees.

7. THAT—The Governour and Provincial Council shall propose to the General Assembly hereafter to be held in which they shall at any time think fit to be published in said Province which Bills shall be published in such noted places in the inhabited parts thereof at the next meeting of the General Assembly in order to the passing of laws or Rejecting of them as the General Assembly shall think fit.

...the said Council shall appoint a President
...the same time except in Cases of necessity.
...to the End that all Laws prepared by the Governour and
...Council aforesaid may yet have the more full Concur-

16. THAT For the better Execution of the Laws of this province and to the Satisfaction in the laying of the Taxes the Assembly shall or may for the better of and in the said province and over as aforesaid. Which number of People the Country shall Increase in people hundred at any time The Appointment also the laying and methodizing of the Council and General Assembly in favor of the Division of the Hundreds and Counties after be divided into shall be in the power to propose and the General Assembly to

17. THAT The Governour and the Province time to time erect Standing Courts of number as they shall Judge Convenient for the said province And that the Provincial tenth day of the First month yearly Elect ernour or his Deputy a double number of Treasurers Masters of the Rolls within the next ensuing. AND the freemen of the County Courts when they shall be erected and Assembly shall on the Three and Twentieth yearly Elect and present to the Governour number of persons to serve for Sheriffs Justices for the year next ensuing Out of which presentments the Governour or his Deputy shall nominate the proper number for each office in said respective presentments or else the first

[REDACTED]

with the
shall or may
years and no Guab
the father of said
shall be deceased
shall from time
Appoint Guab
which Three shall pre
Minority and shall
Two all the power
Concerns of the said pr
often as any day of
Charter shall fall on
the Lord's day the Bus
till the next day unles
act Law or Ordinance
or done by the Govern
by the freemen in the Pr
to Alter Change or Dimi

of
of
of

*The frame of the government of
America: together with certain
the Governor and divers freedoms
further explained and confirmed
oil, that shall be held, if they see*

THE FRAME

When the great and wise *God* had the
tures, it pleased him to chuse man his
him for so great a charge and trust, he did
skill and power, but with integrity to
goodness was equally his honour and
stood here, all went well; there was no
means; the precept of divine love and
guide and keeper of his innocency. But
made a lamentable breach upon it; and
power over him, took place upon him, and
that such as would not live conformably
should fall under the reproof and correction
in a judicial administration.

* From Votes and Proceedings, note b, ante, p. 10

...in which ...
...conditions ...
...and ...
...the ...
...the ...

...notice ...
...; and ...
...two persons ...
...shall meet, on the ...
...days he called, and ...
...at the first choice ...
...said provincial Council ...
...next ensuing; one-third ...
...one-third part, for ...
...; and that the ...
...on the twentieth day ...
...afterwards, the free ...
...meet and assemble together ...
...one-third of the said ...
...years: it being intended ...
...Council (always ...
...as aforesaid) falling ...
...such new yearly elections, ...
...continue therein longer ...
...decease before the last ...
...next election ensuing his ...
...place, for the remaining ...

* Idem, pp. xxviii-xxx

IX. That the Governor and provincial Council shall have the care of the peace and good government.

X. That the Governor and provincial Council shall settle and order the situation of all cities in every county, modelling therein all public market places, and shall appoint all necessary officers in the province.

XI. That the Governor and provincial Council shall have power to inspect the management of the lands, and to punish those who shall convert any part thereof to other uses than what hath been agreed upon by the Governor, Council, and General Assembly.

XII. That the Governor and provincial Council shall order all public schools, and encourage and support all useful sciences and laudable inventions in the province.

XIII. That, for the better management of the affairs of the Province, which divides into three parts, every one of which eighteen shall have yearly elections, each of the three orders, or yearly elections, shall have a distinct portion of business, as followeth:

...the said presentments, do stand
...for such office, shall stand
...according.

XVIII. But forasmuch as the said
requires some immediate settlement
revolution of officers; and to the end
convenient speed, be well ordered, and
therefore think fit to nominate and appoint
Treasurers, Masters of the Rolls, Sheriffs,
Coroners, as are most fitly qualified for the same.
I shall make and grant commissions for the same
to hold to them, to whom the same shall be
as every such person shall well behave himself
to him respectively granted, and no longer
or displacing of any of the said officers,
officers, shall be chosen, as aforesaid.

XIX. That the General Assembly shall
needful to impeach criminals, fit to be thereof
into laws, that they shall think fit to pass
time as the Governor and provincial Council
have nothing further to propose unto them
approbation: and that declaration shall be
Assembly for that time; which General Assembly
standing, capable of assembling together upon
provincial Council, at any time during that
cial Council shall see occasion for their so

XXVII. That in the said Province, any, with such as are employed in them, it is agreed, that no man shall hold any such one public office, at one time, more than one year.

XXVIII. That all children, who are twelve years, shall be taught reading, and writing, and arithmetic, and such other arts, as shall be thought fit, and that the poor may be idle, but the poor may be idle, because poor, may not want.

XXIX. That servants be not kept, such as are careful, be both justly and put in fitting equipage at the same custom.

XXX. That all scandalous and defamers and spreaders of false news, or private persons, shall be accordingly to the peace and concord of this province.

XXXI. That for the encouragement in this province, who are incorporated, granted to them by *William Penn*, Governor, hereby ratified and confirmed.

XXXII. * * *

XXXIII. That all factors or correspondents, who wronging their employers, shall make satisfaction over, to their said employers: and in case of a factor or correspondent, the committee of the court shall secure so much of the deceased party's estate, as shall be due to their respective employers.

XXXIV. That all Treasurers, Judges, Magistrates, Justices of the Peace, and other officers relating to courts, or trials of causes, or any government; and all Members elected to serve in the General Assembly, and all that have right

...shall be made or done
...the Governor of this province
...the provincial Council
...without the consent of his
...seven
...the said
...himself
...confirmed
...I, my
...whereby
...at the opening every
...court of justice; and
...up after the reading
...contrary there shall be, at no time, any alteration
...without the consent of the Governor, his heirs, or
...of seven of the freemen, met in provincial Council
...all other matters and things not herein provided
...and may, concern the public justice, peace or
...province; and the raising and imposing taxes,
...other charges whatsoever, shall be, and are, hereby
...prudence and determination of the Governor and free-
...the Council and General Assembly, to be held, from
...with the said province.
...by the Governor and freemen aforesaid, the
...the third month, called *May*, one thousand six hundred
...aged

the said province and territories
of all the lands and
in the said province of the
said *William Penn*, have
of these presents, for me, my heirs,
successors unto all the freemen, planters,
the said province and territories
and properties, so far as in me lieth,
the freemen, planters and adventurers
Pennsylvania, and territories thereunto.

Imprimis, That the government of
thereof, shall, from time to time, according
patent and deeds of feoffment aforesaid,
and Governor, and freemen of the said
thereof, in form of provincial Council and
provincial Council shall consist of eighteen
of each county, and which Assembly shall
sons, being six out of each county, men of
wisdom and ability; by whom all laws shall
and public affairs transacted, as is hereafter.

II. There being three persons already chosen
county of this province and territories there
vvincial Council, one of them for three years,
one for one year; and one of them to go off
that on the tenth day of the first month year
freemen of the said province and territories.

* Idem, Appendix, IV-VII.

That the Governor and provincial Council shall, at all times, have the care of the peace and safety of this province and territories thereof; and that nothing be, by any person, attempted to the prejudice of this frame of government.

That the Governor and provincial Council shall, at all times, have power to inspect the management of the public treasury, and to punish those who shall convert any part thereof to any other use, than that hath been agreed upon by the Governor, provincial Council and Assembly.

...representatives, who shall meet, on the first day of the said month, in the capital of the province, or in such other place to meet in, which shall be appointed by the Governor and provincial Council, and there may confer freely with and advise one another, and may meet, with a committee of the said Council, at that time, purposely appointed, to consider of the proposals for the alterations, or amendments, of the said bills and promulgated bills; and on the day of the meeting of the said Assembly, after their reading by the Clerk of the provincial Council, and after the same shall be opened by the Governor, the members thereof, on the question by him put, give their assent or dissent, as they seemeth best, in such manner as shall be determined, unless less than two-thirds shall make a *quorum* for the passing into laws, and choice of such officers as are hereinafter mentioned.

XIV. That the laws so prepared and passed, and which are assented to by the Assembly, shall be the laws of the province and territories thereof, with the assent and approbation of the free and Assembly met, and from henceforth the laws, orders, and proceedings of the Governor, provincial Council, and the Assembly, shall be stiled and called, *The meeting, and the General Assembly of the province of Pennsylvania, and the territories thereunto belonging.*

XV. And that the representatives of the people of the said Council and Assembly, may, in after ages, bear the benefit of the increase and multiplying of the people, the number of the representatives of the people may be, from time to time, enlarged, so as at no time, the number exceed

...in His provinces, and territories
...the inhabitants of the said
...and hunt upon the lands
...not included; and to sell, or
...pieces and circles in, and
...landed, with liberty to draw
...lands; so as it be not to the
...thereof, except such lands as do
...boatable, or which are, or may be

XXIII. And that all the inhabitants
...teries thereof, whether purchasers
...worldly pledge of my good and kind
...I do give, grant and confirm to all
...quiet possession of their respective
...lawful or equitable claim, saving only
...same, as are, or customarily ought to be
...or assigns.

XXIV. That no act, law, or ordinance
...time hereafter, be made or done by the
...this province, and territories thereunto
...or by the freemen in provincial Council
...or diminish the form or effect of this
...thereof, contrary to the true intent and
...consent of the Proprietary and Governor
...six parts of seven of the said freemen
...Assembly met.

XXV. And lastly, I, the said *William Penn*
...ernor of the province of *Pennsylvania*, and
...longing, for me, my heirs and assigns,
...granted and confirmed, and do hereby

[The main body of the document is almost entirely obscured by heavy black noise and artifacts, rendering the text illegible.]

That the
and provincial Council
Brington,
Irons,
Durtia,
Brown,
Futcher,
John Kipshaven,
Alexander Molestine,
Robert Bracy, senior,
Thomas Bracy,
William Yardly,
John Hastings,
Robert Wade,
provincial Council shall
John
Lake Water
Joseph
Dennis
John
Henry
Cornelius V
John Southw
and

the inhabitants of Philadelphia present:

William Howell,
und Warner,
Henry Lewis,
Samuel Miles.

the said Province and Territories, and the said three counties, by their said representatives of the Province of *New York*, on the sixth day of *August*, in the said service and consent of the *King*, the said three counties, should be in *vacuo*, as the proper territories of the said *King* and the late queen *Mary*, over *England*, and commission, under the great seal of the said *King*, on the first day of *October*, in the fourth year of the said *King* (for the reasons therein mentioned) did think fit to constitute the said *Province* and territories into their Majesty's protection, did think fit to constitute the said *Province* of *New York*, to be their Captain General and Governor in Chief of this province and country. And whereas the said *King* and queen afterwards, by their letters patent under the great seal of *England*, dated the twentieth day of *August*, in the said reign, have thought fit, upon the humble petition of the said *William Penn*, to restore him to the administration of the said province and territories; and that the said *Commission* as did constitute the said *Benjamin Franklin* General and Governor in Chief of the said *Province* of *Newcastle*, and the territories thereof, in *America*, together with all the powers and authorities thereby granted for the ruling and governing of the said country, should, from the publication of the said patent, cease, determine and become void; and that the said letters patent are hereby declared void; whereupon the said *Commission* is hereby re-vested in his kinsman, *William Markham*.

...to be elected to the Council and Assembly, as aforesaid, shall be deemed to have right to be elected to the Council and Assembly, as aforesaid, if it may be known, who bearing the name of the person, who ought to have right to be elected to the Council and Assembly, as aforesaid, shall be deemed to serve in Council and Assembly, as aforesaid, if the authority aforesaid, That no inhabitant of the territories, shall have right of voting, or being elected to the Council, unless they be freeholders of this government, and be of the age of twenty-one years, or upwards, and have fifty acres of the acres whereof being sowed and cleared, or be able to pay fifty pounds lawful money of this government, clear value, and have been resident within this government for the space of one year next before such election.

And whereas divers persons within this government, cannot or are unable to take an oath, upon any account whatsoever, be it required or enacted by the authority aforesaid, That all and every such persons and persons, being, at any time hereafter, required, upon any legal occasion, to give evidence, or take an oath, in any case whatsoever, shall, instead of swearing, be permitted to make his, or their solemn affirmation, attest, or declaration, which shall be adjudged, and be deemed, requested and declared to be of the same force and effect, to all intents and purposes whatsoever, as if they had taken an oath; and as if any such person or persons shall be lawfully convicted of having wilfully and corruptly affirmed, or declared any matter or thing, upon any solemn affirmation or attest, shall incur the same penalties and punishments as by the laws and statutes of *England* are provided for persons convicted of wilful and corrupt perjury.

And it is further enacted by the authority aforesaid, That all persons who shall be hereafter either elected to serve in Council and Assembly, or commissioned or appointed to be Judges, Justices,

shall, or may relate unto the justice, treasury or trade of the province and territories, but by and with the advice and consent of the Council thereof, or major part of them that shall be present.

And be it further enacted by the authority aforesaid, That all the Sheriffs and Clerks of the respective counties of the said province, and territories, who are, or shall be, commissioned, shall give good and sufficient security to the Governor, for answering the king and his people, in matters relating to the said offices respectively.

And be it further enacted by the authority aforesaid, That the Council, in all cases and matters of moment, as about erecting courts of justice, sitting in judgment upon persons impeached, and upon bills and other matters, that may be, from time to time, presented by the Assembly, not less than two-thirds shall make a *quorum*; and that the consent and approbation of the majority of that quorum shall be had in all such cases and matters of moment; and that in cases of less moment, not less than one-third of the whole shall make a quorum; the majority of which shall, and may, always determine in all such matters of lesser moment, as are not above specified: and in case the Governor's power shall hereafter happen to be in the Council, a President shall then be chosen out of themselves by two-thirds, or the major part of them; which President shall therein preside.

Be it further enacted by the authority aforesaid, That the Governor and Council shall take care that all the laws, statutes and ordinances, which shall at any time be made within the said province and territories, be duly and diligently executed.

Be it further enacted by the authority aforesaid, That the Governor and Council shall, at all times, have the care of the peace of this province and territories thereof, and that nothing be, by any persons, attempted to the subversion of this *frame of government*.

And be it further enacted by the authority aforesaid, That the Governor and Council for the time being, shall, at all times, settle and order the situation of all cities and market towns, modeling therein all public buildings, streets and market places; and shall appoint all public landing places of the towns of this province and territories: and if any man's property shall be judged by the Governor and Council to be commodious for such landing place in the said towns, and that the same be by them appointed as such, that the owner shall have such reasonable satisfaction given him for the same as the Governor and Council shall see meet, to be paid by the said respective towns.

Be it further enacted by the authority aforesaid, That the Governor and Council shall, at all times, have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the Governor, Council and Assembly.

Be it further enacted by the authority aforesaid, That the Governor and Council shall erect and order all public houses, and encourage and reward the authors of useful sciences and laudable inventions in the said province, and territories thereof.

And be it further enacted by the authority aforesaid, That the Governor and Council shall, from time to time have the care of the management of all public affairs, relating to the peace, safety, justice, treasury, trade, and improvement of the province and territories, and to the good education of youth, and sobriety of the manners of the inhabitants therein, as aforesaid.

**CHARTER OF PRIVILEGES GRANTED
TO THE INHABITANTS OF PENNSYLVANIA
1701****

WILLIAM PENN, Proprietary and Governor of *Pensylvania* and Territories thereunto belonging, whosoever Presents shall come, sendeth Greeting, *Second*, by His Letters Patents, under the Great Seal of Great Britain, bearing Date the *Fourth Day of March*, in the *Six Hundred and Eighty-one*, was granted unto me, and my Heirs and Assigns, full Power and Authority, that I should do, and lawfully execute, in *Pensylvania*, with divers great Powers and Privileges, full Government thereof.

AND WHEREAS the King's dearest Brother, **JAMES OGLETHORPE**, and **ALBANY**, &c. by his Deeds of Feoffment, and Letters Patent, duly perfected, bearing Date the *Twentieth Day of August*, in the *One Thousand Six Hundred Eighty and Eight*, did give, sell, and assign unto my Heirs and Assigns, all that Tract of Land, called the *Province of Pensylvania*, together with Powers and Privileges, full Government thereof.

AND WHEREAS for the Encouragement of the said *Planters*, that might be concerned in the said *Province*, and for the good Government thereof, I did

* *Idem*, Part II, pp. 1-III.

* This charter was granted by William Penn, and was confirmed by the General Assembly, and remained in force until the

...in consequence of the
...of the said Province
...and ...
...and other ...
...following Liberty ...
...to be ...
...and other ...
...Territories therunto annexed, for ever, till in any ...
...shall be ...
...shall be ...

Because no People can be truly happy, unless under the
Enjoyment of Civil Liberties, it should be the Care of
Conscience, as to their Religious Freedom and Worship,
Almighty God being the only Lord of Conscience, Father of
and Spirits; and the Author as well as Object of all divine
Worship, Faith and Worship, who only doth enlighten the
Mind, persuade and convince the Understandings of People, I do
grant and declare, That no Person or Persons inhabiting in the
Province or Territories, who shall confess and acknowledge
Almighty God, the Creator, Upholder and Ruler of the World, shall
profess him or themselves obliged to live quietly under the
Government, shall be in any Case molested or prejudiced, in his or their
Person or Estate, because of his or their conscientious
Practice, nor be compelled to frequent or maintain any
Worship, Place or Ministry, contrary to his or their Mind, or to
offer any other Act or Thing, contrary to their religious
Persuasions and Practices in Point of Conscience and Religion.

And that all Persons who also profess to believe in Jesus Christ
the Saviour of the World, shall be capable (notwithstanding their
other Persuasions and Practices in Point of Conscience and Religion)
to serve this Government in any Capacity, both legislatively and
executively, he or they solemnly promising, when lawfully required,
Fidelity to the King as Sovereign, and Fidelity to the Proprietary
Governor, and taking the Attests as now established by the Law

do hereby declare, that if the said Territories shall not hereafter be united, and that the same shall be signified by the Assembly, or otherwise from under their Representatives, for the Time being, of the major Part of either of them, from the Date hereof, that in such Case the *Three Counties* of this Province shall have *Three* Persons to represent them in Assembly, the *Inhabitants* of the Town of *Philadelphia* (not incorporated) *Two* Persons to represent them, and the *Inhabitants* of each County in the Territory shall have *Two* Persons to represent them in a distinct Assembly, as shall be by them requested as aforesaid.

NOTWITHSTANDING which Separation of Territories, in Respect of Legislation, I do hereby declare, That the *Inhabitants* of both Provinces separately enjoy all other Liberties, Privileges, and Immunities jointly to them in this Charter, any Law, Statute, or Government heretofore made and practised, passed by this General Assembly, to the contrary notwithstanding.

THIS CHARTER of PRIVILEGES being distinct and the whole and every Part thereof, being read to, by us, we do thankfully receive the same.

A DECLARATION OF THE RIGHTS OF THE
PEOPLE OF THE STATE OF NEW YORK

I. That all men are born equal, and are entitled to certain natural, inherent and inalienable rights, among which are the enjoying and defending life, liberty, and property, and pursuing the safety and happiness of the same.

II. That all men have a natural right to worship Almighty God according to the dictates of their own conscience and understanding: And that no man can be compelled to attend any religious worship, or maintain any ministry, against his own free will and consent: Nor can any person, being of a God, be justly deprived or oppressed on account of his religious opinions: And that no citizen, on account of his religious opinions, can be justly deprived of his civil rights: And that no authority can be justly exercised, or assumed by any power whatever, to interfere with, or in any manner controul, the free exercise of religious worship.

III. That the people of this State have an inherent right of governing and regulating their own affairs in a free, safe and peaceful manner.

IV. That all power being originally in the people; therefore all officers, legislative or executive, are their trustees, and are at all times accountable to them.

V. That government is, or ought to be, instituted for the benefit, protection and security of the people, and not for the particular emolument or advantage of any individual.

SECT. 3. The supreme executive, president and council.

SECT. 4. Courts of justice in Philadelphia, and in every county.

SECT. 5. The freemen of the state to be trained and armed for its defence, and exceptions as the general assembly shall determine, serving always to the people the peace, and all commissioned officers under their authority, often as by the said laws shall be directed.

SECT. 6. Every freemen of the full age, who has resided in this state for the space of one year, the day of election for representatives, and at the time, shall enjoy the right of an elective franchise, of freeholders of the age of twenty-one years, and vote although they have not paid taxes.

SECT. 7. The house of representatives of the Commonwealth shall consist of persons most qualified to be chosen by the freemen of every city and county respectively. And no person shall be eligible who has not resided in the city or county for which he is elected immediately before the said election; nor who has not continued such, hold any other office, except as may be otherwise provided by law.

SECT. 8. No person shall be capable of being elected to serve in the house of representatives of the Commonwealth more than four years in seven.

SECT. 9. The members of the house of representatives shall be chosen annually by ballot, by the freemen of the Commonwealth, on the second Tuesday in October forever, (except in the first year) and shall meet on the fourth Monday of the month of December, and be stiled, *The general assembly of the representatives of Pennsylvania*, and shall have power to elect

And each member
the following
I do believe in one
rewarder of the good
by the Scriptures
inspiration

And no further or other religion
of any civil officer or magistrate
Sncr. 11. Delegates to represent
chosen by ballot by the future general
annually forever afterwards, as long
be necessary. Any delegate may be
general assembly appointing another
in congress longer than two years
election for three years afterwards; and
office in the gift of the congress shall here
sent this commonwealth in congress.

Sncr. 12. If any city or cities, county
refuse to elect and send representatives to
thirds of the members from the cities or
send representatives, provided they be
counties of the whole state, when met, shall
the general assembly, as fully and amply as it

Sncr. 13. The doors of the house in which
freemen of this state shall sit in general assembly
open for the admission of all persons who
only when the welfare of this state may require

Sncr. 14. The votes and proceedings of the
be printed weekly during their sitting, with the
on, vote or resolution, where any two members require it, except

SECT. 17.

This present year and for the next year, and for the two next succeeding years, the number of representatives shall be seven hundred and seventy-seven, and for the two next succeeding years, and seventy-eight, chosen by the general assembly. But as representation to the general assembly is the only mode of securing liberty, and make the voice of the people of the land; therefore the general assembly shall be composed of the taxable inhabitants in the city of Philadelphia, and in each county, according to their wealth respectively, to be taken as at the last meeting of the assembly, and for the seven hundred and seventy-eight, and for the two next succeeding years, to each, in proportion to the number of taxable inhabitants, and the representation shall continue for the term of seven years, at the end of which, a new return of the taxable inhabitants shall be made, and a representation agreeable to the same shall be made by the assembly, and so on septennially forever. The salaries of the representatives in general assembly, and all other expenses, shall be paid out of the state treasury.

SECT. 18. In order that the freemen of each county may enjoy the benefit of election as equally as possible, the representation shall commence, as directed in the preceding section, in each county at its own choice may be divided into as many wards as therein, and elect their representatives in each ward, and their elective officers, as shall be hereafter regulated by the general assembly of this state. And no inhabitant of any county shall have more than one annual vote at the general election of representatives in general assembly.

SECT. 19. For the present the supreme court of the state shall consist of twelve persons chosen by the general assembly. The freemen of the city of Philadelphia, and of the counties of Philadelphia, Chester, and Bucks, respectively, shall elect one person for the city, and one for each county.

SECT. 22. Every judge shall be liable to be impeached, at any time, before or after his resignation or removal from office, or after his death, for any offence, and impeachments shall be heard by a council, who shall hear and determine the same.

SECT. 23. The judges of the supreme court shall have fixed salaries, be commissioned for a term of years, and be eligible for re-appointment at the end of such term; and no judge shall be removed from office on account of his behaviour at any time by the general assembly, nor be allowed to sit as members in the supreme court, or council, or general assembly, nor to hold any other office, nor to take or receive fees or perquisites.

SECT. 24. The supreme court, and the courts of sessions, pleas of this commonwealth, shall, be authorized to issue writs, and to exercise such powers, as may be necessary and proper, as relates to the perpetuating testimony of witnesses in places not within this state, and the care of the insane, and those who are *non compos mentis*, and such other matters as may be found necessary by future general assemblies, and shall be subject to this constitution.

SECT. 25. Trials shall be by jury as heretofore, and shall be recommended to the legislature of this state, to prevent every corruption or partiality in the choice of jurors, and of juries.

SECT. 26. Courts of sessions, common pleas, and inferior courts shall be held quarterly in each city and county, and shall have power to establish all such other courts, as may be necessary for the good of the inhabitants of the state; and the law and justice shall be impartially administered, without unnecessary delay: All their officers shall be compensated by moderate compensation for their services.

SECT. 37. The several courts of law, in such a manner as to be consistent with the laws of this commonwealth.

SECT. 38. The several courts of law, the legislature of this commonwealth, in some cases less severe, than to the crimes.

SECT. 39. To deter more effectually by continued visible punishment, ordinary punishments less necessary for punishing by hard labour, than not capital; wherein the criminality of the public, or for reparation of the public. And all persons at proper times shall be at their labour.

SECT. 40. Every officer, whether in authority under this commonwealth, shall affirm of allegiance, and generally on the execution of his office.

THE OATH OR AFFIRMATION

I ——— do swear (or affirm) that I will be true to the commonwealth of Pennsylvania: And indirectly do any act or thing prejudicial to the constitution or government thereof, as established.

THE OATH OR AFFIRMATION

I ——— do swear (or affirm) that I will be true to the commonwealth of Pennsylvania: And indirectly do any act or thing prejudicial to the constitution or government thereof, as established.

SECT. 41. No public tax, custom or contribution, shall be levied upon, or paid by the people of this state, except as provided by law.

Sec. 17. The senators and representatives shall be paid for their services, but shall not receive any salary or other compensation from the treasury of the government, nor shall they receive any salary, honorarium, or other compensation from any office, or from any department or bureau of the government, during their absence from the state, and in going to and returning from the state, and in debate in either house they shall not be subject to arrest.

Sec. 18. No senator or representative shall be a member of either house of this commonwealth, which shall have been elected to either house of Congress, or other person holding any office, or any position of honor or profit (by law and in the militia) under the United States, or any other government, or any office, or any position of honor or profit in this commonwealth, shall be a member of either house of Congress, or in office.

Sec. 19. When vacancies happen in either house, the governor shall issue writs of election to fill such vacancies.

Sec. 20. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments to bills.

Sec. 21. No money shall be drawn from the treasury in consequence of appropriations made by law.

Sec. 22. Every bill, which shall have passed both houses, shall be presented to the governor. If he approve, he shall sign it; if he shall not approve, he shall return it, with his objections, to the house in which it shall have originated, which may reconsider it, and by a majority of two-thirds of that house, may pass it over the objections of the governor; and if approved by that house, it shall be sent, with the objections, to the other house, which may likewise reconsider it, and if approved by a majority of two-thirds of that house, it shall be a law. But in such cases the yeas and nays of the persons voting for or against the bill shall be entered on the journal.

of each county, and the
governor shall be elected
prescribed in this constitution,
unless the electors shall
return; in which case the
days after their next meeting.

Sec. 23. Every order, resolution,
of both houses may be amended
(ment) shall be presented to the
effect, be approved by him, or
by two-thirds of both houses,
prescribed in case of a bill.

SECTION 1. The supreme executive power of this State
shall be vested in a governor.

Sec. 2. The governor shall be chosen on the second
tober, by the citizens of the commonwealth, and the
shall respectively vote for representatives, and the
election for governor shall be called the general
of government, directed to the speaker of the house
and publish them in the presence of the judges of the
legislature. The person having the highest number of votes
governor. But if two or more shall be equal, and
one of them shall be chosen governor by the joint vote
of both houses. Contested elections shall be determined by a
mittee, to be selected from both houses of the legislature,
and regulated in such manner as shall be directed by law.

Sec. 3. The governor shall hold his office during three years from
the third Tuesday of December next ensuing his election, and shall
not be capable of holding it longer than once in any term of twelve
years.

Sec. 4. He shall be, at least, thirty years of age, and have been a
citizen and inhabitant of this State seven years next before his elec-
tion; unless he shall have been absent on the public business of the
United States, or of this State.

Sec. 5. No member of Congress, or person holding any office under
the United States, or this State, shall exercise the office of governor.

Sec. 6. The governor shall, at stated times, receive for his services
a compensation, which shall be neither increased nor diminished dur-
ing the period for which he shall have been elected.

Sec. 7. He shall be commander-in-chief of the army and navy of
this commonwealth, and of the militia; except when they shall be
called into the actual service of the United States.

Sec. 8. He shall appoint all officers, whose offices are established
by this constitution, or shall be established by law, and whose appoint-
ments are not herein otherwise provided for; but no person shall
be appointed to an office within any county who shall not have been
a citizen and inhabitant therein one year next before his appointment,
if the county shall have been so long erected; but if it shall not have
been so long erected, then within the limits of the county or counties
out of which it shall have been taken. No member of Congress from

...and in case of
...the governor
...shall think proper to

Sec. 13. His successor shall

Sec. 14. In case of the
his removal from office, the
of governor until another
the trial of a contested election,
third Tuesday in December next
the governor of the last year, or
be in the exercise of the executive
until the determination of such
ernor shall be qualified as aforesaid.

Sec. 15. A secretary shall be
the governor's continuance in office,
well. He shall keep a fair register
ings of the governor, and shall, when
papers, minutes, and vouchers relative
of the legislature, and shall perform
enjoined him by law.

ARTICLE III

SECTION 1. In elections by the citizens
of twenty-one years, having resided in
fore the election, and within that time
which shall have been assessed at least
tion, shall enjoy the rights of an elector:
persons qualified as aforesaid, between the
twenty-two years, shall be entitled to vote
have paid taxes.

Sec. 2. All elections shall be by ballot,
their representative capacities, who shall vote

Sec. 3. Electors shall, in all cases except
or surety of the peace, be privileged from arrest
ance on elections, and in going to and returning

Sec. 8. The governor shall have the power to pardon and to cause their proceedings to be null and void, like right and justice to be done.

Sec. 9. The president of the court of appeals, the chief justice of the supreme court, and the judges of the court of appeals, shall be justices of the peace in all criminal matters.

Sec. 10. The governor shall have the power to remove justices of the peace, in such cases as may be provided by law; they shall be removed on account of their bad behavior, but may be removed on account of any infamous crime, or on the order of the legislature.

Sec. 11. A register's office for the records of the courts of administration, and an office for the records of the courts of justice, shall be kept in each county.

Sec. 12. The style of all process shall be "in the name of the Commonwealth of Pennsylvania;" all prosecutions shall be commenced by the authority of the commonwealth, and shall be styled, "against the peace and dignity of the Commonwealth of Pennsylvania."

ARTICLE VI

SECTION 1. Sheriffs and coroners shall, at the election of representatives, be chosen by the electors; two persons shall be chosen for each office, and the two, respectively, shall be appointed by the governor, to hold their offices for three years, if they shall so desire; and well, and until a successor be duly qualified; and if twice chosen or appointed sheriff in any term of years, in either of the said offices shall be filled by a

made by the legislature and until otherwise provided by law.
Sec. 2. The legislature shall have the power to create offices and to define their duties, and to determine the mode of appointment, the term of office, and the mode of removal, and for each class of officers to determine the mode of election, and the mode of holding office.

Sec. 3. The legislature shall have the power to create offices and to define their duties, and to determine the mode of appointment, the term of office, and the mode of removal, and for each class of officers to determine the mode of election, and the mode of holding office.

Sec. 4. All commissions shall be in the name of the people of the commonwealth of Pennsylvania, and shall be signed by the governor.

Sec. 5. The State treasurer shall be appointed by the joint vote of the members of both houses, and shall have the management of the treasury department, attorneys at law, and other officers, and shall be appointed in such manner as may be directed by law.

ARTICLE VII

SECTION 1. The legislature shall, as soon as convenient, provide, by law, for the establishment of schools throughout the State, in such manner that the poor may be taught gratis.

Sec. 2. The arts and sciences shall be promoted in one or more seminaries of learning.

Sec. 3. The rights, privileges, immunities, and estates of religious societies and corporate bodies shall remain as if the constitution of this State had not been altered or amended.

ARTICLE VIII

Members of the general assembly, and all officers, executive and judicial, shall be bound, by oath or affirmation, to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

ARTICLE IX

That the general, great, and essential principles of liberty and free government may be recognized and unalterably established, we declare—

SECTION 1. That all men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

Sec. 5. That the right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, without describing them as near as practicable.

Sec. 6. That the right of the people to be free from unreasonable searches and seizures, shall not be violated, and no warrant shall issue, without describing them as near as practicable.

Sec. 7. That the printing of the laws, and the publication of the proceedings of the several branches of government, and the right thereof. The free communication of one of the invaluable rights of the people to speak, write, and print on any subject, of that liberty. In prosecutions for libel, the jury shall have a right to inquire into the official conduct of any officer, or where the matter published is true, truth thereof may be given in evidence. In libels the jury shall have a right to inquire into the official conduct of any officer, or where the matter published is true, truth thereof may be given in evidence.

Sec. 8. That the people shall be secure in their persons, houses, papers, and possessions from unreasonable searches and seizures, and that no warrant to search any place, or to seize any person or thing, shall issue, without describing them as near as practicable, supported by oath or affirmation of probable cause.

Sec. 9. That in all criminal prosecutions the accused shall have the right to be heard by himself and his counsel, to be informed of the cause of the accusation against him, to confront the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, to be tried by an impartial jury of the vicinage, and to be compelled to give evidence against himself, nor shall his life, liberty, or property, unless by the law of the land.

Sec. 10. That no person shall, for any information received in the land or naval forces, or in the militia, be held liable to prosecution in time of war or public danger, or, by leave of the court, be twice put in jeopardy of life or limb.

and Fayette...
ators shall...
ll be made, and...
be established...
ed. Any vacancy...
time, shall be...
first article.

Sec. 8. That the election of the judges of the several counties thereof made by the electors of the several counties of the State, and by the electors of the city of Philadelphia, shall be conducted in each county, after having been held within that county, in accordance with the laws of the State, and the returns thereof shall be made to the judges of the several counties mentioned within the district, or to the judges of the district, and the judges so met shall compare the returns, and certify the same, and execute, under their hands and seals, a certificate of the returns for the whole district; that the judges of the district composed of the city of Philadelphia and Delaware shall meet in Philadelphia; the judges of the district composed of Lancaster and York shall meet at Lancaster; the judges of the district composed of Berks and Dauphin shall meet at Middletown; the judges of the district composed of the counties of Cumberland and Mifflin shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Lancaster and Huntingdon shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin shall meet at the house now occupied by John Dickey, in Air township, Bedford County; the judges of the district composed of the counties of Westmoreland and Allegheny shall meet in Westmoreland County, at the court-house in the town of Greensborough; and the judges of the district composed of the counties of Washington and Fayette shall meet at the court-house in the town of Washington, in Washington County, on the third Tuesday in October, respectively, for the purposes aforesaid.

SEC. 9. That the election of the governor shall be conducted in the several counties in the manner prescribed by the laws of the State for the election of representatives; and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

Done in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the independence of the United States of America the fifteenth, in testimony whereof we have hereunto subscribed our names.

JOSEPH REDMAN, *Secretary.*
J. SHALLUS, *Assistant Secretary.*

Thomas Mifflin, *President.*

Sec. 4.^a Within thirty days after the meeting of the next general assembly, and within every second year thereafter, an enumeration of the taxable property in this State shall be made in the manner as shall be directed by the legislature, and apportioned by the legislature, and the several counties, according to the value of the property in each; and shall never be more than one cent in every hundred. Each county shall have one representative; and every county hereafter erected shall be entitled to one representative until a sufficient number of taxable property is ascertained within it to entitle them to one representative, and the number of which shall then be established.

Sec. 5.^b The senators shall be chosen by the people of the counties of Philadelphia and of the several counties in the same manner, and at the same place, as the representatives.

Sec. 6. The number of senators shall be determined by the legislature making the enumeration before mentioned.

* Verified by Vol. 14 of "Proceedings and Debates of the Convention of the State of Pennsylvania, to propose amendments to the Constitution, Commenced and Held at Harrisburg, on the second day of May, 1837. Harrisburg: P. Clark, 1837, pp. 852.

^a "Proceedings and Debates of the Convention of the State of Pennsylvania, to propose amendments to the Constitution, Commenced and Held at Harrisburg, on the second day of May, 1837. Harrisburg: P. Clark, 1837, pp. 852. Stenographer to the Convention; Assisted by J. McKlinley. Printed by Packer, Barrett and Packer, 1837, 14 vols.

^b This constitution was framed by a convention which met at Harrisburg May 2, 1837, adjourned in July until October, and then moved to Philadelphia, where it completed its labors February 20, 1838, and was adopted by the people by a vote of 113,971 votes against 11,000.

^c See amendments.

and approved by the people, according to the provisions hereof, never be less than the number of representatives.

Sec. 7. The senators shall be the legislators; and no county shall elect more than four senators, and no city or town shall elect more than four senators, and no or more counties, they shall elect Philadelphia nor any county shall elect more than four senators.

Sec. 8. No person shall be a senator of the age of twenty-five years, and have resided of the State for four years next before his election thereof an inhabitant of the district for which he shall be elected, unless he shall have been absent on the public business of the State or of this State; and no person shall hold the said office after he shall have removed from the State.

Sec. 9. The senators who may be elected after the adoption of the amendments to the constitution shall be divided by lot into three classes. The first class shall be vacated at the expiration of the first year, the second class at the expiration of the second year, and the third class at the expiration of the third year; so that one-third of the whole number of senators may be chosen each year, and senators elected before the amendments to the constitution shall hold their offices during the terms for which they shall respectively have been elected.

Sec. 10. The general assembly shall meet on the first Tuesday of January in every year, unless sooner convened by the governor.

Sec. 11. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker *pro tempore* when the speaker shall exercise the office of governor.

Sec. 12. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee, to be selected, formed, and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members in such manner and under such penalties as may be provided.

Sec. 13. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free State.

Sec. 14. The legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this commonwealth are, or hereafter may be, empowered to decree a divorce.

Sec. 15. Each house shall keep a journal of its proceedings and publish them weekly, except such part as may require secrecy; and

* See amendment.

Sec. 1. The executive power shall be vested in the governor. He shall hold his office for a term of four years, and shall be eligible for re-election. He shall be at least thirty years of age at the time of his election, and shall be a native-born citizen of the United States.

Sec. 2. The governor shall have the honor and privilege of the chair, and shall be addressed as "Your Excellency." He shall be commander-in-chief of the militia, and shall have the power to call them into the actual service of the United States, or to exempt them from such service, in such manner as he may think proper.

Sec. 3. The governor shall hold his office until the third Tuesday of January next ensuing, and shall be capable of holding it longer than six months of any year.

Sec. 4. He shall be at least thirty years of age at the time of his election, and shall be a native-born citizen of the United States, unless he shall have been absent on the public business of the United States or of this State.

Sec. 5. No member of Congress, or person holding any office in the United States or this State, shall exercise the office of governor.

Sec. 6. The governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

Sec. 7. He shall be commander-in-chief of the army and navy of this commonwealth, and of the militia, except when they are called into the actual service of the United States.

Sec. 8. He shall appoint a secretary of the commonwealth, at his pleasure, and he shall nominate and, by and with the consent of the senate, appoint all judicial officers of commonwealth, unless otherwise provided for in this constitution. He shall have power to fill all vacancies that may happen in such offices during the recess of the senate, by granting commissions, which shall expire at the end of their next session.

Sec. 9. He shall have the power to pardon and commute the punishment of all crimes, except treason, and to grant reprieves and commutations of punishment, and to remit the penalties and forfeitures of laws, and to grant pardons and commutations of punishment, and to remit the penalties and forfeitures of laws, and to grant pardons and commutations of punishment, and to remit the penalties and forfeitures of laws.

Sec. 18. The auditing of the
return of all the official accounts
when required, by the auditor,
relative thereto before either
form such other duties as shall be

ARTICLE

or

SECTION 1. In elections by the
age of twenty-one years, having resided
the election-district where he offers
preceding such election, and within two
tax, which shall have been assessed at
tion, shall enjoy the rights of an elector.
States, who had previously been a qualifi
removed therefrom and returned, and who
election-district and paid taxes as aforesaid
after residing in the State six months:
men, citizens of the United States, betwe
and twenty-two years, and having resided
in the election-district ten days as aforesaid,
although they shall not have paid taxes.

SEC. 2. All elections shall be by ballot,
their representative capacities, who shall vote

Section 1. The judicial power shall be vested in a supreme court, in such inferior courts as may be established by law, in a court of common pleas, a court of criminal justice, and a court of quarter sessions of the peace, and in justices of the peace; and in such other courts as may from time to time be established by law.

Sec. 2. The judges of the supreme court, of the courts of common pleas, and of such other courts as may be established by law, shall be appointed by the governor, with the consent of the senate, appointed and reappointed. The judges of the supreme court shall hold their offices for fifteen years, if they shall so long behave themselves; the judges of the several courts of common pleas, and of the courts of record as are or shall be established by law, shall hold their offices for the term of ten years, if they shall so long behave themselves. The associate judges of the courts of common pleas shall hold their offices for the term of five years, if they shall so long behave themselves well. But for any reasonable cause, which shall constitute a sufficient ground of impeachment, the governor may remove any judge on the address of two-thirds of each branch of the legislature. The judges of the supreme court and the presidents of the courts of common pleas shall, at stated times, receive for their services an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall not receive

* See amendments.

...the State, and the judges of the courts such other powers as may be necessary; and may, from time to time, confer powers, or vest them in the courts, for the due administration of justice.

SEC. 7. The judges of the court of common pleas, any two of whom shall be a quorum, shall hold quarterly sessions of the peace, and the register of wills, together with the judges, shall compose the register's court.

SEC. 8. The judges of the courts of common pleas in their respective counties, have like powers as the supreme court, to issue writs of certiorari, and to cause their proceedings to be reviewed, like right and justice to be done.

SEC. 9. The president of the court of common pleas, and the judges of the court of common pleas in their respective counties, shall be justices of the peace in criminal matters.

SEC. 10. A register's office, for the peace, and letters of administration, and an office for the poor shall be kept in each county.

SEC. 11. The style of all process shall be "in the name of Pennsylvania." All prosecutions shall be commenced by the authority of the commonwealth or by the authority of the commonwealth of Pennsylvania, and shall conclude, "against the peace and dignity of the Commonwealth of Pennsylvania."

Sec. 3. The judges of the courts of common pleas shall hold their offices for three years, and until their successors shall be chosen. The legislature shall provide by law the number of judges of such courts, and how many and what offices shall be held by one person. Vacancies in any of the said offices shall be filled by appointments to be made by the governor until the next general election, and until successors shall be elected and qualified as aforesaid.

Sec. 4. Prothonotaries, clerks of the peace and registers of records of deeds, registers of wills, and sheriffs shall hold their offices in the county-towns of the county in which they respectively shall be officers, unless when the governor shall see cause to dispense therewith, for any term not exceeding five years, after the county shall have been erected.

Sec. 5. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the official seal and signed by the governor.

Sec. 6. A State treasurer shall be elected annually, by joint vote of both branches of the legislature.

Sec. 7. Justices of the peace or aldermen shall be elected in the several wards, boroughs, and townships, at the time of the election of constables, by the qualified voters thereof, in such number as shall be directed by law, and shall be commissioned by the governor for a term of five years. But no township, ward, or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough.

SECTION 1. The legislature shall provide by law for the establishment in such manner that the poor may

SEC. 2. The arts and sciences in seminaries of learning.

SEC. 3. The rights, privileges, immunities of societies and corporate bodies shall be the same as this State had not been altered or diminished.

SEC. 4. The legislature shall not incorporate any individual with the privilege of taking property without requiring such corporation or incorporation to the owners of said property, or any other person before such property shall be taken.

ARTICLE VII

OATHS OF OFFICE

Members of the general assembly, and officers of this commonwealth, and to perform the duties of their offices with fidelity.

Sec. 4. That no person shall be compelled to support any religious institution, practice, or belief, nor shall any individual be held to answer for a crime under this commonwealth.

Sec. 5. That the election shall be by ballot.

Sec. 6. That trial by jury shall be preserved, and the right of the accused to remain inviolate.

Sec. 7. That the printing press shall be free to all persons, who undertake to examine the proceedings of any branch of government; and no law shall ever be passed to curtail the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen has a right to speak, write, and print on any subject, being responsible for the abuse of that liberty. In prosecution for the publication of any matter investigating the official conduct of officers, or men in any office, or where the matter published is proper for public notice, the truth thereof may be given in evidence; and in all cases where libels the jury shall have a right to determine the facts, under the direction of the court, as in other cases.

Sec. 8. That the people shall be secure in their persons, papers, and possessions from unreasonable searches and seizures; that no warrant to search any place, or to seize any person or goods, shall issue without describing them as nearly as may be, and probable cause, supported by oath or affirmation.

Sec. 9. That in all criminal prosecutions the accused has a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face,

that; and the privilege
suspended, unless when
safety may require it.

SEC. 15. That no constitution
shall be issued.

SEC. 16. That the person of
presumption of fraud shall not
ing up his estate for the benefit
shall be prescribed by law.

SEC. 17. That no *ex post facto*
tracts, shall be made.

SEC. 18. That no person shall be
the legislature.

SEC. 19. That no attainder shall
except during the life of the offender,
monwealth; that the estates of such
own lives shall descend or vest as in
any person shall be killed by casualty,
reason thereof.

SEC. 20. That the citizens have a right
assemble together for their common good,
vested with the powers of government for
other proper purposes, by petition, redress,

SEC. 21. That the right of the citizens to
themselves and the State, shall not be questioned.

SEC. 22. That no standing army shall, in
without the consent of the legislature; and
cases and at all times, be in strict subordination

...of a majority vote
...of the members of the
...shall be submitted to the people of this State
...three months after the date of the
...shall present to the people of this State
...amendment to the constitution of this State
...shall become a part of the constitution of this State
...shall be submitted to the people of this State
...years. Provided, That if more than one amendment
...shall be submitted in such manner and form as to be
...against each amendment separately and distinctly

Schedule

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and that the same may be brought into complete operation, it is hereby declared and enacted that—

Section 1. All laws of this commonwealth in force at the time when the said alterations and amendments in the said constitution shall take effect, and not inconsistent therewith, and all rights, powers, actions, claims, and contracts, as well of individuals as of corporations and persons, shall continue as if the said alterations and amendments had not been made.

Section 2. The alterations and amendments in the said constitution shall take effect from the first day of January, eighteen hundred and

SEC. 15. That no person shall be

SEC. 16. That the punishment

SEC. 17. That no *ex post facto*

SEC. 18. That no person shall be

SEC. 19. That no attainder shall

SEC. 20. That the citizens have a right

SEC. 21. That the right of the citizens

SEC. 22. That no standing army shall, in

SEC. 23. That no person shall be

SEC. 24. That no person shall be

SEC. 25. That no person shall be

SEC. 26. That no person shall be

SEC. 27. That no person shall be

SEC. 28. That no person shall be

SEC. 29. That no person shall be

SEC. 30. That no person shall be

SEC. 31. That no person shall be

SEC. 32. That no person shall be

SEC. 33. That no person shall be

SEC. 34. That no person shall be

SEC. 35. That no person shall be

SEC. 36. That no person shall be

SEC. 37. That no person shall be

SEC. 38. That no person shall be

SEC. 39. That no person shall be

SEC. 40. That no person shall be

...of the people of this State, and the same shall be submitted to the people, in such manner as the Legislature shall prescribe, and if the people shall ratify such amendment or amendments by a majority of the votes of this State voting thereon, such amendment or amendments shall become a part of the constitution; but no amendments shall be submitted to the people oftener than once in three years. *Provided*, That if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

SCHEDULE

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained that—

Section 1. All laws of this commonwealth in force at the time when the said alterations and amendments in the said constitution shall take effect, and not inconsistent therewith, and all rights, possessions, actions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

Sec. 2. The alterations and amendments in the said constitution shall take effect from the first day of January, eighteen hundred and nineteen.

They also, the commissioners, shall have held their offices for ten years, and their commissions, to the constitution, shall expire on the seventh day of February, one thousand eight hundred and forty-one; the first half to embrace those whose commissions expire on that date. The commissions of all the commissioners who have held their offices for ten years, and whose commissions to the constitution, shall expire on the seventh day of February next after the end of ten years, shall expire on that date.

SEC. 8. The recorders of the several counties, and the assessors of the several townships, shall be appointed for the same term of years as the president judges of the several counties. The commissions of those in office, the commission oldest in date shall expire on the seventh day of February, one thousand eight hundred and forty-one, and the others every two years thereafter, on alternate dates; those oldest in date expiring on the seventh day of February, one thousand eight hundred and forty-one.

SEC. 9. The legislature, at its first session after the adoption of the constitution, shall divide the other associate judges into four classes. The commissions of those of the first class shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-one; of those of the second class on the twenty-seventh day of February, one thousand eight hundred and forty-one; of those of the third class on the twenty-seventh day of February, one thousand eight hundred and forty-one; of those of the fourth class on the twenty-seventh day of February, one thousand eight hundred and forty-one.

... shall first certify that
or future committees shall
ing them shall decide by
vacancies happening by death
the said courts, shall be filled
continue till the first Monday of
eral election. The judges of the
the several courts of common pleas
their service an adequate compensation
shall not be diminished during their
shall receive no fees or perquisites of
of profit under this commonwealth, or
United States, or any other State of
supreme court during their continuance
commonwealth, and the other judges
office shall reside within the district or
respectively elected.

(Ratified 1837)

ARTICLE I. SEC. 2. From section two of
stitution strike out the words "of the city
each county respectively;" from section five
the words "of Philadelphia and of the section
tion seven, same article, strike out the words
Philadelphia nor any;" and insert in lieu

Section 1. In addition to the above limited power, the legislature shall have power to contract debts to repel invasion, suppress insurrection, or to redeem the present outstanding indebtedness of the State, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised or to pay the same, and to no other purpose whatever.

Section 2. Except the debts above specified in sections one and two of this article, no debt whatever shall be created by or on behalf of the State.

Section 3. To provide for the payment of the present debt, and any additional debt contracted as aforesaid, the legislature shall, at its next session after the adoption of this amendment, create a sinking fund which shall be sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than one hundred and fifty thousand dollars; which sinking-fund shall be paid out of the net annual income of the public works from time

commission shall first certify to the
commissioners of the revenue
decide by lot

Monday of the
Art. III. Added: Sec. 4. No bill
of this commonwealth shall be
a requisition from the
authority of this commonw
of suffrage in all elections by the
are or shall be prescribed by law,
their usual place of election.

Art. XI. Added: Sec. 8. No bill
containing more than one subject, w
except appropriation bills.

Sec. 9. No bill shall be passed by
powers or privileges, in any case, where
powers or privileges has been or may
courts of this commonwealth.

(Ratified 1870)

Strike out the sixth section of the sixth
and insert in lieu thereof the following
be chosen by the qualified electors of the p
such term of service as shall be prescribed

Section 1. All persons have a natural and inalienable right to worship God according to the dictates of their own consciences, and no man should be compelled, under any form of government, to worship, or to maintain any religious establishment, which any civil authority can, in any way whatsoever, compel him to do. The rights of conscience and the rights of religious establishments are not to be separated, and no religious establishments are to be erected, or supported, by the public funds. The persons who contravene the provisions of this article shall be disqualified to hold any office or place of honor under this Commonwealth.

Section 2. Elections shall be free and equal, and no person shall at any time interfere to prevent the exercise of the elective franchise.

Section 3. Trial by jury shall be as heretofore, and the rights of the accused shall not be violated.

Section 4. The printing press shall be free to every person who is able to examine the proceedings of the Legislature, and of the Council of government, and no law shall ever be made to restrict the free communication of thoughts and opinions, or of the invaluable rights of man, and every citizen shall have the right to write and print on any subject, being responsible for the content thereof. No conviction shall be had in any proceeding...

The Constitution of the Commonwealth of Pennsylvania. Adopted by the National Convention November 8, 1873; ratified and adopted by the people at a general election held December 16, 1873; went into effect January 1, 1874. Philadelphia, November 5, 1901. Wm. Stanley Ray, State Printer of Pennsylvania, 1902. pp. 41.

The Legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives. The Senate shall be elected for a term of four years and the House of Representatives for a term of two years. To guard against encroachments upon the powers we have delegated, we declare that every power not expressly accepted out of the general powers of government, and not so limited, is reserved to the people and remains inviolate.

ARTICLE II

THE LEGISLATURE

Sec. 1. The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

Sec. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Sec. 3. Senators shall be elected for the term of four years and Representatives for the term of two years.

Sec. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Sec. 5. Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their

attendance or absence of members

SEC. 11. Each House shall have the sole power of its proceedings and tempt or disorderly behavior in its process, to protect its dignity or private solicitation, and expel a member, but not a have all other powers

A member expelled for contempt of either House, and punishment shall not bar an indictment for the

SEC. 12. Each House shall keep from time to time publish the secrecy, and the yeas and nays of at the desire of any two of them, be entered

SEC. 13. The sessions of each House shall be open, unless when the business is secret.

SEC. 14. Neither House shall, without adjourn for more than three days, nor in which the two Houses shall be sitting

SEC. 15. The members of the General except treason, felony, violation of their or surety of the peace, be privileged attendance at the sessions of their respective

...the several counties, and
...the population of the State
...shall be divided into districts of counties and cities,
...Every city containing a population of
...its proportion of the representation
...to which it is located. Every city entitled to more
...and every county having over one hundred
...shall be divided into districts of counties and cities,
...each district to elect its proportion of representation
...to its population, but no district shall elect more than
...representatives.

18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

Article III

LEGISLATION

1. No law shall be passed except by bill, and no bill shall be introduced or amended, on its passage through either House, at any other than its original purpose.

2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no

SEC. 19. The General Assembly shall have the power to appropriate money for the relief of widows and orphans, but such appropriation shall be subject to the control of such widows and orphans.

SEC. 20. The General Assembly shall have the power to commission, private corporation, or other body to supervise or interfere with any person's property or effects whether held in trust, to pay taxes or perform any municipal functions.

SEC. 21. No act of the General Assembly shall be recovered for injuries resulting in death or property; and, in case of death, an action shall survive, and the General Assembly whose benefit such actions shall be prosecuted shall prescribe any limitations of time within which such actions against corporations for injuries to persons or property caused different from those fixed by general laws against natural persons, and such acts notwithstanding.

SEC. 22. No act of the General Assembly shall annul the payment of trust funds by executors, administrators, or trustees, in the bonds or stock of any private corporation, acts now existing are avoided, saving investments.

SEC. 23. The power to change the venue in any case shall be vested in the courts, to be exercised in the manner to be provided by law.

SEC. 24. No obligation or liability of any real estate, held or owned by the Commonwealth, shall be transferred, remitted, postponed or in any way

... of the members of the Senate, or of the person having the highest number of votes, if two or more be equal, shall be chosen Governor by the joint ballot of the Senate and House of Representatives. Contested elections shall be determined by the joint ballot of both Houses of the General Court, to be taken in such manner as shall be directed by the Senate.

SEC. 3. The Governor shall hold his office from the third Tuesday of January next succeeding his election, and shall be eligible to the office for the next succeeding year.

SEC. 4. A Lieutenant Governor shall be chosen in the same manner, for the same term, and shall have the same powers and prerogatives as the Governor; he shall be President of the Senate, and shall have no vote unless they be equally divided.

SEC. 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the Commonwealth, who shall have attained the age of thirty years, and have resided in the State preceding his election an inhabitant of the State, and shall not have been absent on the public business of the State for more than six months.

SEC. 6. No member of Congress or person holding any office under the United States or this State shall exercise the powers of the Governor or Lieutenant Governor.

SEC. 7. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, and shall be called into the actual service of the United States when so ordered.

SEC. 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, shall appoint and remove all officers and judges of the Commonwealth, and shall have the power to pardon and remit all offences against the laws of the Commonwealth.

Sec. 16. The Governor shall have the honor of signing all bills which shall have passed both Houses, and his name shall be written on the bills, and the date of his signing shall be written thereon. No bill shall become law, and the date of its becoming law shall be void, unless it be passed and signed as prescribed for the passage of bills.

Sec. 17. The Chief Justice of the Supreme Court shall preside upon trial of any contested election, and shall decide questions of law in the absence, and shall, upon request of the Governor or Lieutenant Governor, preside upon other questions of law in the absence of the Governor and Lieutenant Governor shall preside upon other questions of law in the absence of the Governor and Lieutenant Governor until their successors shall be duly qualified.

Sec. 18. The Secretary of the Commonwealth shall keep and preserve all official acts and proceedings of the Governor and Lieutenant Governor, and shall, upon request, lay the same, with all papers, and documents thereto, before either branch of the General Assembly, and shall perform such other duties as may be enjoined upon him by law.

Sec. 19. The Secretary of Internal Affairs shall perform all the duties of the Secretary of Internal Affairs, and shall have the honor of signing all orders, and shall perform such changes as shall be made by law. He shall also have in charge a bureau of industrial statistics, and shall perform all the duties relating to corporations, to the regulation of the agricultural, manufacturing, mining, mineral, and other material or business interests of the State as may be provided by law. He shall annually, and at such other times as may be provided by law, make report to the General Assembly.

The judicial power of the Commonwealth shall be vested in a Supreme Court, and in such inferior courts as the General Assembly may, from time to time, establish. The judges of the Supreme Court shall hold office for the term of twenty years, and shall be eligible for re-election, but shall not be again elected. The term of office shall first expire shall be chief justice, and the judge whose commission shall first expire shall be chief justice.

The jurisdiction of the Supreme Court shall extend to all cases in law and equity, and the judges thereof shall, by virtue of their office, exercise all power of original and general writ delivery, and shall have original jurisdiction in cases of habeas corpus, where a corporation is a party defendant, of habeas corpus, of writs to courts of inferior jurisdiction, and of writs writs as to persons of the Commonwealth whose jurisdiction is not within the jurisdiction of the Commonwealth, but shall not exercise any other original jurisdiction; they shall also have appellate jurisdiction by appeal, certiorari or writ of error, as is now or may hereafter be provided by law.

Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein otherwise provided; and no court shall, at any time, be included in one judicial district organized for said courts.

Whenever a county shall contain forty thousand inhabitants, it shall constitute a separate judicial district, and shall elect one judge, as provided in the law; and the General Assembly shall provide for associate judges, as the business of the said district may require. Districts containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in

Sec. 10. The judges of the Supreme Court shall be elected by the qualified electors of the State at the general election in the year 1892, and in every fourth year thereafter, and shall hold office for the term of ten years, if they shall so long please themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Sec. 11. In Philadelphia, the judges of the Supreme Court shall be elected by the qualified electors of the city at the general election in the year 1892, and in every fourth year thereafter, and shall hold office for the term of ten years, if they shall so long please themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Sec. 12. All fees, fines and penalties in said courts shall be paid to the county treasury.

Sec. 13. In all cases of summary conviction in this Commonwealth, of judgment in suit for a penalty before a magistrate, or court of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court, or judge thereof upon cause shown.

Sec. 14. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long please themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Sec. 15. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Sec. 16. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify

... and each court, so provided, shall have exclusive jurisdiction of all cases which shall be provided by law. The exclusive jurisdiction of all cases shall be provided thereon, subject to changes of law.

SEC. 7. For Philadelphia there shall be one judge and one prothonotary for all said courts, and to hold office for the term of years as provided by a majority of the said judges; the said judge shall have such assistants as may be necessary, and he and his assistants shall receive salaries as provided by law and paid by said county; all fees shall be paid by the prothonotary into the county treasury, and have its separate dockets, except the judgments which contain the judgments and liens of all the courts as directed by law.

SEC. 8. The said courts in the counties of Berks, Lehigh, and Northampton, respectively, shall, from time to time, have more of their judges to hold the courts of quarter sessions of the peace of said counties as may be directed by law.

SEC. 9. Judges of the courts of common pleas shall be judges of the courts of oyer and terminer of the peace and general jail delivery, and of the courts within their respective districts shall be judges in criminal matters.

SEC. 10. The judges of the courts of common pleas in their respective counties, shall have power to issue

Sec. 12. The jurisdiction of the courts shall be defined by law, and the courts shall be organized by law, and the judges shall be elected by the people, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

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Sec. 14. In all cases of summary conviction in this Commonwealth, or judgment in suit for a penalty before a magistrate, or court of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Sec. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

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Sec. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify

the result to the Governor, who shall issue commissions accordingly.

Sec. 18. The Governor shall have the power to pardon, reprieve, commute or remit any punishment imposed by any court of law, and to grant reprieves and commutations in all cases where the law so directs, and to remit any fine or penalty imposed by any court of law, except in cases where the law so directs.

Sec. 19. The Governor shall have the power to grant pardons, reprieves, commutations and remissions in all cases where the law so directs, and to remit any fine or penalty imposed by any court of law, except in cases where the law so directs.

with jurisdiction not exceeding
shall be held by magistrates, and
and they shall be elected by the
of the district, and in the election of the
shall be more than two-thirds of the
shall be more than one are to be elected
shall be fixed salaries, to be paid by the
of such jurisdiction, civil and criminal,
shall be now exercised by addressees subject to such
providing an increase of civil jurisdiction as authorized by
changes may be made by law. In Philadelphia the office of
is abolished.

Sec. 13. All fees, fines and penalties in said courts shall be paid
to the county treasury.

Sec. 14. In all cases of summary conviction in this Commonwealth
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prescribed by law, upon allowance of the appellate court or
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Sec. 15. All judges required to be learned in the law, except the
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believe themselves well; but for any reasonable cause, which shall
not be sufficient ground for impeachment, the Governor may remove
any of them on the address of two-thirds of each House of the Gen-
eral Assembly.

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Sec. 17. Should any two or more judges of the Supreme Court, or
any two or more judges of the court of common pleas for the same
district, be elected at the same time, they shall, as soon after the
election as convenient, cast lots for priority of commission, and certify

SEC. 22. In every county, one or more judges who shall be chosen and fifty thousand dollars shall be appropriated for the salaries of one or more judges who shall be chosen to exercise all the jurisdiction and powers hereafter be conferred upon them. The jurisdiction of the judges of the county courts, in orphans' court proceedings, in any county in which a separate orphans' court shall be established, shall be abolished. The register of wills shall be clerk of the court, and shall be subject to the directions, in all matters pertaining to the office, of the judge of the court, and assistant clerks, but only with the consent of the court. All accounts filed with him as clerk of said separate orphans' court shall be subject to the expense to parties, except where all parties to a proceeding shall nominate an auditor with the consent of the court, in the discretion, appoint. In every county of this Commonwealth, all the powers and jurisdiction of a register of wills' courts are hereby abolished.

SEC. 23. The style of all process shall be "in the name of the Commonwealth of Pennsylvania." All prosecutions shall be commenced and prosecuted by the authority of the Commonwealth, and shall conclude "against the peace and dignity of the Commonwealth."

SEC. 24. In all cases of felonious homicide, and in all cases as may be provided for by law, the grand jury, and the court, may remove the indictment, return, and sentence, may remove the indictment, return, and sentence, to the Supreme Court for review.

The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment on impeachment shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Constitution; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

All officers shall hold their offices on the condition that they shall behave themselves well while in office, and shall be removed by the people for misbehavior in office or of any infamous crime. All officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the people by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly and judges of the courts of record created by the law, shall be removed by the Governor for reasonable cause after due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII

OATH OF OFFICE

Section 1. Senators and Representatives and all judicial State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do

SECTION 1. Every male possessing the following qualifications, subject however to such registration of electors as the General Assembly may provide by law, shall be entitled to vote at any election held in this State, subject to the provisions of law relating thereto.

1. He shall have been a citizen of this State for at least one month.
2. He shall have resided in the county in which he is to vote, or he shall have removed therefrom and immediately preceding the election.
3. He shall have resided in the county in which he is to vote for at least two months.
4. If twenty-two years of age and under twenty-one years of age, he shall have paid within two years a State or county tax, or assessed at least two months and paid at least one month before the election.

SEC. 2. The general election shall be held on the first day next following the first Monday of November. The General Assembly may by law fix a different day, and the members of each House consenting thereto.

* As amended November 5, 1901. For original text see page 100.

any money, reward or other valuable consideration, or for withholding the same, shall be guilty of a crime, and any elector whose right to vote at such election, or for withholding the same, shall be challenged for such cause before the election, shall be required to swear or affirm that the matter of the challenge is true before his vote shall be received.

9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law shall be disqualified from holding an office of trust or profit in this Commonwealth: and any person convicted of wilful violation of any election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

10. In trials of contested elections and in proceedings for the annulment of elections, no person shall be permitted to withhold testimony upon the ground that it may criminate himself or expose him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in such testimony.

11. Townships and wards of cities or boroughs, shall first be divided into election districts of compact and contiguous territory in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of more than one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next ensuing election more than two hundred and fifty votes shall have

Sec. 15. No person shall hold, or shall be appointed or employed in any office of the United States, or of this State, or of any municipal board, commissioner, or other officer of the peace and aldermen; nor shall he be in militia service of the State; nor shall he be to any civil office to be filled at any time save only to such subordinate municipal office of grade of city or county offices, as shall be provided by law.

Sec. 16. The courts of common pleas of this Commonwealth shall have power, with such restrictions, to appoint overseers of elections, and of election officers and to make report to the courts of such appointments to be made for any election upon petition of five citizens, lawful voters, setting forth that such appointment is necessary to secure the purity and fairness of elections; and the number for an election district, shall be five; they shall be persons qualified to serve upon election returns; members of different political parties; when the election board shall differ in opinion the overseers, if agreed thereon, shall decide the question of the appointment of overseers of election all the law judges of the court at the time, shall concur in the appointment.

Sec. 17. The trial and determination of contests of President and Vice President, members of the General Assembly, and of all public officers, whether State

be used or applied otherwise than as aforesaid.

SEC. 12. The moneys of the reserve shall be used in the same manner directly or through the sinking fund as the moneys of the sinking fund shall never be invested in any thing, except the bonds of the United States.

SEC. 13. The moneys held as reserve shall be held in accordance with law to the amount required for current use and kept as may be provided by law, and published showing the amount of same deposited, and how secured.

SEC. 14. The making profit out of the same for any purpose not authorized by law, or by the General Assembly of the State, or member or officer of the General Assembly, shall be deemed a misdemeanor and shall be punished as may be provided by law, and of such punishment shall be disqualification of not less than five years.

ARTICLE X

EDUCATION

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools wherein all the children of this Commonwealth between the ages of six years and sixteen years may be educated, and shall appropriate not less than one dollar for each child each year for that purpose.

SEC. 2. No money raised for the support of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

...shall be elected...
...the General Assembly may...
...the United States shall...
...this State to which a...
...The General Assembly may...

...Any person who shall fight a duel or...
...or be aide or abettor in fighting a duel, shall...
...the right of holding any office of honor or profit...
...and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII

NEW COUNTIES

Section 1. No new county shall be established which shall be less than four hundred square miles, or to less than ten thousand inhabitants; nor shall any county be formed or established containing a less population; nor shall any line drawn within ten miles of the county seat of any county proposed to be established.

ARTICLE XIV

COUNTY OFFICERS

Section 1. County officers shall consist of sheriffs, coroners, clerks, notaries, registers of wills, recorders of deeds, commissioners, assessors, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the office succeeding the one for which he may be elected.
Section 2. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the...

Three county commissioners shall be elected in each county, and the incumbent shall continue in office thereafter; and in the case of a vacancy, the electors shall vote for no more than two persons, and the highest number of votes shall elect to the office of county commissioner. Vacancies shall occur, by the appointment of any person who shall have voted for the commissioner to be filled.

ARTICLE XV

CITIES AND CITY CHARTERS

SECTION 1. Cities may be chartered by the electors of any town or borough having a population of more than one thousand shall vote at any general election.

SEC. 2. No debt shall be contracted or incurred by any municipal commission, except in pursuance of a resolution previously made therefor by the municipal commission.

SEC. 3. Every city shall create a sinking fund, which shall be lawfully and viably pledged for the payment of its future debts.

ARTICLE XVI

PRIVATE CORPORATIONS

SECTION 1. All existing charters, or grants of franchises or privileges, under which a bona fide organization

Section 7. The General Assembly shall have the power to alter, amend or repeal any charter of incorporation now existing and to repeal any charter of incorporation hereafter adopted, whenever in their opinion it may be injurious to the interests of the Commonwealth, in such manner, however, that no injury shall be done to the rights of the shareholders of any corporation so chartered, and that no corporation shall be dissolved until it has been authorized in its charter to do so, and until it has made such arrangements as may be necessary for the redemption of its stock or indebtedness.

Section 8. The corporation shall have the right to take, sell, lease, mortgage, or otherwise dispose of its real or personal property, and to hold real or personal property in fee simple, and to take, sell, lease, mortgage, or otherwise dispose of its stock or indebtedness, but the amount of stock or indebtedness shall not be increased above the amount of stock or indebtedness first established by a resolution of the corporation, and no such increase shall be made without the consent of the General Assembly, and after sixty days' notice given in pursuance of law.

Section 9. Municipal and other corporations and individuals shall have the privilege of taking private property for public use, and shall be liable for just compensation for property taken, injured or destroyed in the construction or enlargement of their works, highways, or improvements, which compensation shall be paid or secured by the taking, injury or destruction. The General Assembly shall have the power to prevent from depriving any person of an appeal from the award of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

Section 10. Every banking law shall provide for the redemption, by an officer of the State, of all notes or bills issued and circulated, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

Section 11. The General Assembly shall have the power to alter, repeal or annul any charter of incorporation now existing and to revoke or annul the adoption of this Constitution, or any that may hereafter be adopted, whenever in their opinion it may be injurious to the interests of the Commonwealth, in such manner, however, that no injury shall be done to the rights of the shareholders of any corporation so chartered, and that no corporation shall be dissolved until it has been authorized in its charter to do so, and until it has made such arrangements as may be necessary for the redemption of its stock or indebtedness.

Section 1. All railroads, associations or corporations, have the right to construct and operate within this State, and to connect with railroads in other States. Every railroad shall be required to intersect, connect with, and receive and transport each other's loaded or empty, without delay.

Sec. 2. Every railroad and association in this State shall maintain an office where its books shall be made, and where its books shall be open to the stockholder or creditor of such corporation, to see the amount of capital stock subscribed, the names of the owners of its stock, and the transfers of said stock, respectively, the transfers of said stock, and the residence of its officers.

Sec. 3. All individuals, associations, and corporations have equal right to have persons and property transported by railroads and canals, and no undue or unreasonable charges shall be made in charges, for, or in facilities for the transportation of persons or passengers within the State or connecting with other States. Persons and property transported by railroads shall be delivered at any station at charges not exceeding the transportation of persons and property by other means in the same direction to any more distant station; and excursion tickets may be issued at special rates.

1. No discrimination in rates shall be made between transportation companies or other, by statement, contract, or any other means, or any provision of any law, which makes any provision of discrimination in rates.

2. No railroad, railway or other transportation company shall be subject to the power of power of a district or any other power of the company.

3. No street passenger railway shall be subject to any city, borough or town council or any other authority.

4. No railroad, canal or other transportation company shall be subject to the power of a district or any other power of the company at the time of the adoption of this act or any future legislation by general or special law, until the complete acceptance of all the provisions of this act.

5. The existing powers and duties of the Agents of the State relating to railroads, canals and other transportation companies, and to their accounts, are hereby transferred to the Secretary of State, who shall have a general supervision over them, and to such regulations and alterations as shall be provided by the General Assembly, and, in addition to the annual reports now required to be made by the Secretary may require special reports at any time upon any matter relating to the business of said companies from any officer or agent thereof.

6. The General Assembly shall enforce by appropriate legislation the provisions of this article.

The judges of the court of common pleas of the county of Schuylkill shall continue to exercise their offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Berks and Dauphin as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

Section 13. The General Assembly shall, at the next succeeding session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission at the time of the adoption of this Constitution shall continue during their unexpired terms to exercise their offices in the same districts in which they reside; but, when the terms of two judges residing in the same district, the president judge of the district to which district he shall be assigned, and the additional judges shall be assigned to the other district.

Section 14. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts as required by this Constitution.

Section 15. Judges learned in the law of any court of record holding commissions in force at the adoption of this Constitution shall continue to exercise their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Berks and Dauphin as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

Section 16. The register's office shall be abolished, and the duties thereof shall be performed by the clerk of the court of common pleas of the county in which the same were performed.

Section 17. The General Assembly shall, at the next succeeding session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission at the time of the adoption of this Constitution shall continue during their unexpired terms to exercise their offices in the same districts in which they reside; but, when the terms of two judges residing in the same district, the president judge of the district to which district he shall be assigned, and the additional judges shall be assigned to the other district.

Section 18. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts as required by this Constitution.

Section 19. Judges learned in the law of any court of record holding commissions in force at the adoption of this Constitution shall continue to exercise their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Berks and Dauphin as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

and one other judge shall be elected by the electors of the county of Allegheny, to wit: John H. Hallow, Finlayson and Thayer, Briggs and one other named shall be the president judge; thereafter the president judge shall continue to be president judge for courts numbers two and three until the first general election after the expiration of the term of office of the same manner as the two additional judges and they shall decide by lot to whom the term of office shall commence on the first year one thousand eight hundred and

SEC. 19. In the county of Allegheny, the organization under this Constitution, the judges of the court number one, and at the same date, shall be the judges of the court number one. The president judge of the common pleas shall be president judge of said courts number two and three until their offices shall end; and thereafter the president judge of said courts number two and three shall be president judge; but no two judges shall be president judge in the same court or district, shall occur in the same year.

SEC. 20. The organization of the courts of the county of Philadelphia under this Constitution for the counties of Philadelphia

He shall have received the same immediately preceding the election.

Third. He shall have made no offer to vote at least two weeks

Fourth. If twenty-two days within two years a State or county at least two months and paid

* * *

SEC. 4. All elections by the lot shall be numbered in the order the number recorded by the elector opposite the name of the elector who may write his name upon his ticket thereon and attested by a citizen of the State shall be sworn or affirmed not to disclose the name of the elector who voted unless required to do so as witness

* * *

SEC. 7. All laws regulating the holding of elections or for the registration of electors, shall be subject to the laws of this State, but no elector shall be deprived of the right to vote on account of his name not being registered.

The United States will, upon the exchange of the ratifications of the present treaty, send back to Spain, at its own cost, the prisoners of war on the capture of Manila. The arms of the soldiers in question shall be returned to Spain. Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, Guam, on terms similar to those agreed upon for the evacuation of the islands in the West Indies, under the terms of the treaty of 1898, which is to continue in force till it is executed.

The time within which the evacuation of the Philippines and Guam shall be completed shall be fixed by the treaty. Stands of colors, uncaptured war vessels, arms, and accoutrements, with their carriages and accessories, shall be returned to Spain.

The United States will, upon the exchange of the ratifications of the present treaty, send back to Spain, at its own cost, the prisoners of war on the capture of Manila. The arms of the soldiers in question shall be returned to Spain. Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, Guam, on terms similar to those agreed upon for the evacuation of the islands in the West Indies, under the terms of the treaty of 1898, which is to continue in force till it is executed.

...with the provisions of the ...
...in the West Indies, in the island of Guam, and in
...Archipelago, all the buildings, wharves, harbors, and
...public highways and other immovable property
...with law, belong to the public domain and to the
...Crown of Spain.
...is hereby declared that the relinquishment of ...
...may be, to which the preceding paragraph refers,
...shall remain the property or rights which by ...
...of property of all kinds, of ...
...public or private establishments, ecclesiastical or civil,
...associations having legal capacity to acquire and
...in the aforesaid territories renounced or ceded, or
...individuals, of whatsoever nationality such individuals

...of each country will be the same as
...of the other country, and
...of all port charges, including wharf
...and tonnage duties, as it accords to the
...engaged in the coastwise trade.
...may at any time be terminated on either
...Government to the other.

Article XVI

...that any obligations assumed in this treaty by the
...with respect to Cuba are limited to the time of the

Very respectfully,
1899

HON. WILLIAM H. TAFT,
President Board of Commissioners

SIR: In the message transmitted December, 1899, I said, speaking of the insurrection as it continues the supreme. But there is no reason why time to time to inaugurate government as fast as territory is held and this end I am considering the advice mission, or such of the members thereof existing authorities and facilitate this

To give effect to the intention thus Hon. William H. Taft, of Ohio, Prof. Michigan, Hon. Luke E. Wright, of Tennessee, Vermont, and Prof. Bernard Moses, of

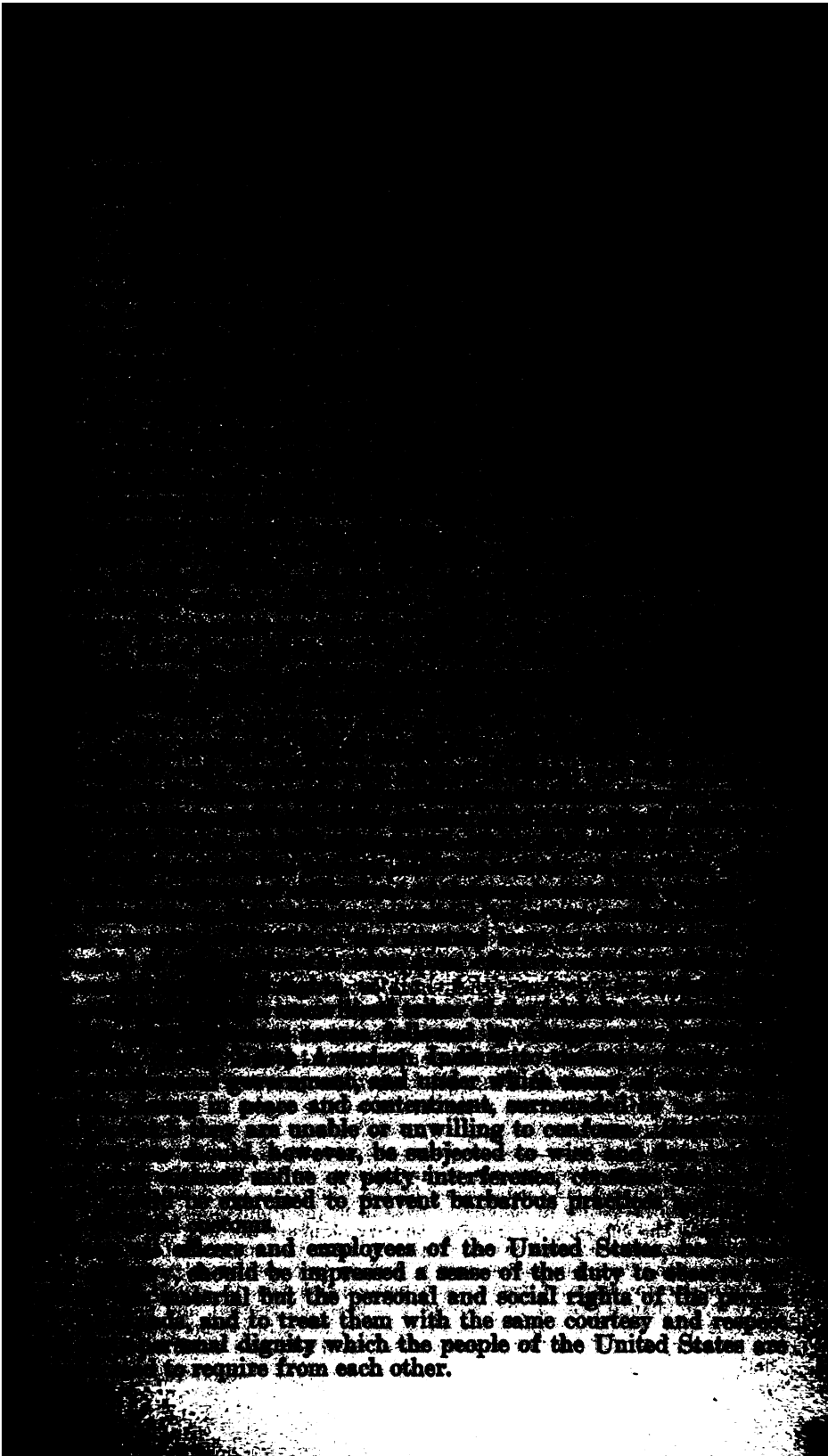
* See House Documents, Vol. II (No. 2), P. 11.

[The text in this section is extremely faint and illegible due to heavy noise and low contrast in the scan.]

On the 1st day of September, 1909, the authority and power of government in the Philippine Islands, which heretofore have been transferred from the military governor to this commission, to be thereafter exercised by and in the name and stead of the military governor, under such regulations as you shall prescribe, until the establishment of a civil government for the islands contemplated in the first section of this act, until Congress shall otherwise provide. Exercise of such authority will include the making of rules and orders, the promulgation of law, for the raising of revenue by taxes, customs and imposts; the appropriation and expenditure of public moneys; the establishment of an educational system

such military force as may be necessary for the suppression of insurrection, the maintenance of law and order at the expense of the military force shall be at the call of the civil authorities and the enforcement of the laws of the municipal governments the provisions of which work the governments established by his order of August 8, 1899, and substituted by the military government, to formulate and report a plan of organization to his honor Cayetano Arellano, president of the man, and they will give to the same the consideration which the high authorities of its members justify. In the provincial governments they will give to the governing government of the island of Negros of the people of that island, under the provisions of July 22, 1899, and after verifying, in the reports of the successful working of the same, be guided by the experience thus acquired applicable to the conditions existing in other islands. They will avail themselves, to the fullest extent, of the conclusions reached by the previous commissions.





and two hundred, shall, until otherwise provided by law, be subject to the same laws, regulations, taxes, duties, imposts and excises as are imposed upon the citizens of the United States.

All military, naval, and air forces of the United States in the Philippine Islands, and all military, naval, and air forces of the United States in the Philippine Islands, shall, until otherwise provided by law, be subject to the same laws, regulations, taxes, duties, imposts and excises as are imposed upon the citizens of the United States.

Paris on the tenth day of August, and at Washington on the eighth, and at Washington on the eighth, and at Washington on the eighth, shall, until otherwise provided by law, be subject to the same laws, regulations, taxes, duties, imposts and excises as are imposed upon the citizens of the United States.

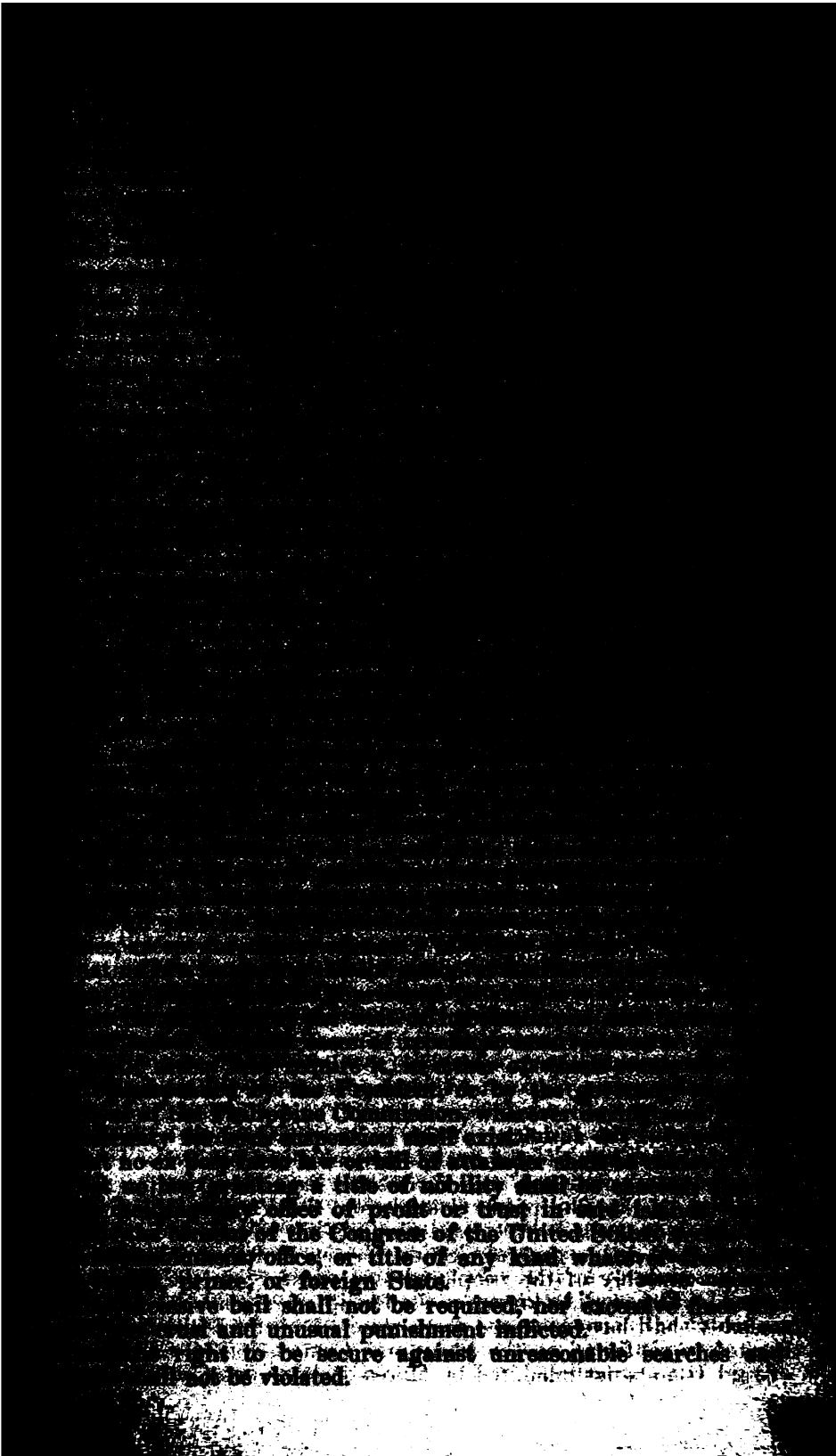
such person and persons and the President of the United States of civil government and for the interests of said islands in the free exercise of religion: *Provided*, That all laws and regulations hereof shall contain a reservation to the President to repeal the same.

* For other acts of an organic nature relating to the Philippines, to confirm the tariff laws established by the United States and the Philippines after July 1, 1906, to authorize the issue of insular and municipal laws to, to change title of civil governor to governor, to locate and sale of mineral lands, February 6, 1905; to revise and amend the laws of the Philippines, February 6, 1905.

approved, and in accordance with the law the said Islands shall be governed, subject to the provisions herein provided, and the said Commission shall have an authority in the United States to it, and the provisions of section eight hundred and thirty of the Statutes of eighteen hundred and ninety-eight shall apply to the Philippine Islands.

Future appointments of civil officers of the said Commission and heads of departments shall be made by the President, by and with the advice and consent of the Senate.

SEC. 2. That the action of the President heretofore taken by virtue of the authority conferred upon him in Chief of the Army and Navy, and the provisions of the twelfth, eighteen hundred and ninety-eight, shall apply to the duties and taxes as set forth by said order, and the duties collected at all ports and places in the Philippine Islands, and into the occupation and possession of the said Islands, together with the subsequent amendments thereto, shall be approved, ratified, and confirmed, and the same shall be the law of the government of the Philippine Islands, and shall be consistent with the provisions of said order and the provisions of said act.



...the President shall be entitled to a salary payable monthly by the
United States, who shall be entitled to an annual salary of \$10,000
by all departments upon presentation to the President of the
annual statement by the civil governor of said islands, and
shall be entitled to a salary payable monthly by the

of errors and judgments affirmed by said Supreme Court, and by the writ of error by the parties to the same regulations, and by the same as the final judgments and decisions of the States.

Sec. 11. That the government be authorized to provide for the harbors and navigable waters of the islands, and to maintain in said navigable waters bonded warehouses, wharves, pier-saving stations, buoys, and like improvements, and to adopt and enforce regulations in respect to the use of said bonded warehouses wherein articles not intended for export to other islands nor mingled with the property of the islands, and to deposit in port of said islands for reshipment to other ports, and to be deposited in bond and reshipped to another port, without payment of customs duties or charges.

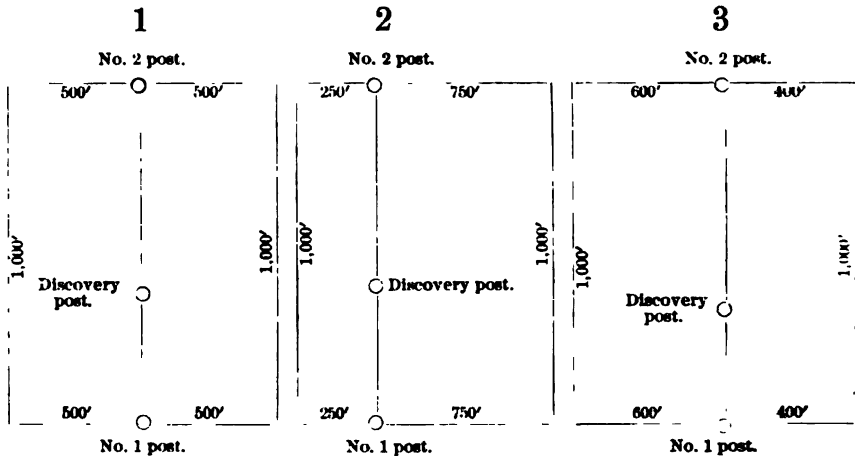
Sec. 12. That all the property and interests acquired in the Philippine Islands by

Section 22

That a mineral claim shall be located by the locator as possible on the line of the section or sections numbered one and two, and the distance between posts numbered one and two shall not exceed one thousand feet. The posts numbered one and two shall be known as the corner posts numbered one and two and shall be visible from the mineral claim, the name of the locator and the date of location. Upon post numbered one there shall be written in ink the foregoing, "Initial" and the number of the section numbered two, and the distance of the claim from the right and to the left of the line from number one to number two. The distance of the claim from the right and to the left of the line from number one to number two shall be furnished by the locator to the provincial treasurer or other officer as by the Philippine government may be designated, in writing, at the time the claim is recorded, and shall form a part of the record of such claim.

Section 24. That when a claim has been located the locator shall immediately mark the line between posts numbered one and two so that it can be distinctly seen. The locator shall also place a post at the point where he has found minerals in place, on which shall be written "Discovery post." *Provided*, That when the claim is surveyed the surveyor shall be guided by the records of the claim, the distance from the back of the declaration made by the owner when the claim was located, posts numbered one and two, and the notice of number one and two initial post.

EXAMPLES OF VARIOUS MODES OF LAYING OUT CLAIMS



SEC. 25. That it shall not be lawful to move number one post, but number two post may be moved by the deputy mineral surveyor when the distance between posts numbered one and two exceeds one thousand feet, in order to place number two post one thousand feet from number one post on the line of location. When the distance between posts numbered one and two is less than one thousand feet the deputy mineral surveyor shall have no authority to extend the claim beyond number two.

SEC. 26. That the "location line" shall govern the direction of one side of the claim, upon which the survey shall be extended according to this Act.

SEC. 27. That the holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downward: *Provided*, That this Act shall not prejudice the rights of claim owners nor claim holders whose claims have been located under existing laws prior to this Act.

SEC. 28. That no mineral claim of the full size shall be recorded without the application being accompanied by an affidavit made by the applicant or some person on his behalf cognizant of the facts—that the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the number one and number two posts shall be set out in full, and as accurate a description as possible of the position of the claim given with reference to some natural object or permanent monuments.

SEC. 29. That no mineral claim which at the date of its record is known by the locator to be less than a full-sized mineral claim shall be recorded without the word "fraction" being added to the name of the claim, and the application being accompanied by an affidavit or solemn declaration made by the applicant or some person on his behalf cognizant of the facts: That the legal posts and notices have

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...with the provisions of this Act, the holder of such claim shall be deemed to have been abandoned. The holder of such claim shall be deemed to have been abandoned if any dispute as to the location of such claim shall be recognized according to the provisions of such laws subject to any question as to the validity of such claim and subject to the holder having complied with the provisions and conditions of this Act.

36. That no holder shall be entitled to hold in his own name or in the name of any other person, corporation or association more than one mineral claim on the same vein or lode.

37. That the holder may at any time abandon any mineral claim by giving notice in writing, of such intention to abandon, to the principal secretary or such other officer as by the government of the United States may be described as mining recorder; and such notice shall be recorded in the record of such notice all his interest in such claim shall be deemed to have been abandoned.

38. That proof of citizenship under the clauses of this Act for the purpose of acquiring mineral lands may consist, in the case of an individual, of an affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his

Sec. 50. This section shall apply to mineral patents, if residing here-
of the person or military department wherein the
the oath or affidavit required for patent
the clerk of any court of record, or before any
public of any province of the Philippine Islands, or any other
in and authorized by law to administer oaths.

Sec. 51. If an adverse claim is filed during the period of
upon oath of the person or persons making the
the nature, boundaries, and extent of such
proceedings, except the publication of notice and
of the affidavits thereof, shall be stayed until the
settled or decided by a court of competent
the adverse claim waived. It shall be the duty of the
thirty days after filing his claim, to com-
in a court of competent jurisdiction to determine
the right of possession, and prosecute the same with
to final judgment, and a failure so to do shall be
adverse claim. After such judgment shall have been

...shall be entered by the...
Sec. 45. That...
...shall be...
...the...
...shall be...
...whenever...
Sec. 46. That the chief of the Philippine insular bureau of...
lands may appoint... deputy mineral surveyors to...
...the survey of vein or lode claims...
...together with the cost of publication...
...shall be at...
...at the most reasonable rates, and they shall...
...liberty to employ any such deputy mineral surveyor to...
survey. The chief of the Philippine insular bureau of public lands...
shall also have power to establish the maximum charges for surveys...
and publication of notices under this Act; and in case of...
charges for publication he may designate any newspaper published...
in any province where mines are situated, or in Manila, for the publication...
of mining notices and fix the rates to be charged by such...
paper, and to the end that the chief of the bureau of public lands...
shall be fully informed on the subject such applicant shall file with...
the... secretary, or such other officer as by the government...
of the Philippine Islands may be described as mining recorder, a...
statement of all charges and fees paid by such applicant for...
and surveys, and of all fees and money paid the provin-...
treasurer or the collector of internal revenue, as the case may be.

Section 50. That the provisions under the preceding section shall be held to apply to any person or association of persons who shall have taken the benefit of such section and the commencement of improvements made by the filing of a declaratory statement therefor; and no improvements shall have been made prior to the expiration of three months from the date of the passage of this Act, sixty days after the expiration of such three months shall be allowed for the filing of a declaratory statement; and no sale under the provisions of this Act shall be allowed until the expiration of six months from the date of the passage of this Act.

Section 51. That the three preceding sections shall be held to apply to any person or association of persons, any member of which shall have taken the benefit of such sections, either as an individual or as a member of any association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such section shall enter or hold any other lands under the provisions; and all persons claiming under section fifty-one shall be required to prove their respective rights and pay for the

of the purchase of such lands, and the same may, in accordance with the regulations in which the same are sold, be subject to such regulations as may be prescribed by the highest bidder, for each hectare per hectare; and in case such lands the same shall be subject to purchase at a price not less than three dollars per hectare, other lands in the said Islands, and relating to the sales of public lands, two newspapers, one printed in the Spanish language, at Manila, which shall be published by the Secretary of the interior.

SEC. 59. That no Act granting lands to municipalities to aid in the construction of public purposes, shall be so construed as to embrace all cases, are reserved exclusively, unless otherwise provided in the Act or Acts making the grant.

SEC. 60. That nothing in this Act shall affect the rights of any person, partnership, or corporation, perfected mining concession granted prior to the year one hundred and ninety-nine, but all such concessions shall be conducted under the provisions of the law in force at the time they were granted, subject at all times to cancellation in the procedure by which they were obtained, and to comply with the conditions prescribed as re-

of the United States of America, and the Government of the Philippines, do hereby certify that the coupon or coupons hereon provided for by said government shall be at the rate of one centum per annum.

Art. 71. That said coupon or coupons shall be at the rate of fifty dollars or any multiple thereof, and shall not exceed five per centum per annum, and shall be payable at the pleasure of the government of the Philippines, after dates issued in said bonds, and shall be then thirty days from the date of such issue, and shall be subject to the laws of the United States of America, and the coupon or coupons hereon provided for by said bonds shall be subject to the laws of the government of the Philippines, and shall be subject to the laws of the Government of the Philippines.

That all moneys raised by the sale of said bonds shall be used for the purpose of the Philippine Islands, and for the maintenance and drainage system and for no other purpose.

That the government of the Philippine Islands shall be bound to pay the principal and interest of said bonds, and shall be bound to retire them and pay the interest thereon in accordance with the terms of issue: *Provided*, That if said bonds are ever issued, they shall be paid out of the funds of the government of the Philippine Islands, and said city shall reimburse said government for the same, and said government is hereby empowered to collect said taxes for the levy and collection of taxes on said city.

shall be of copper.

8. That the subsidiary silver coins of the Philippine Islands shall be coined under the authority of the Philippine Islands in such amounts as the government of the Philippine Islands may determine, and that the said coins shall be of the following denominations: one centavo, two centavos, five centavos, ten centavos, and twenty centavos.

9. That the said coins shall be of the following composition: the one-centavo piece shall be of copper and zinc, the two-centavo piece shall be of copper and zinc, the five-centavo piece shall be of copper and zinc, the ten-centavo piece shall be of copper and zinc, and the twenty-centavo piece shall be of copper and zinc.

10. That the said coins shall be of the following weight and fineness: the one-centavo piece shall weigh twenty grains and contain one per centum of copper and five per centum of tin and zinc; the two-centavo piece shall weigh forty grains and contain two per centum of copper and five per centum of tin and zinc; the five-centavo piece shall weigh one hundred grains and contain five per centum of copper and five per centum of tin and zinc; the ten-centavo piece shall weigh two hundred grains and contain ten per centum of copper and five per centum of tin and zinc; and the twenty-centavo piece shall weigh four hundred grains and contain twenty per centum of copper and five per centum of tin and zinc.

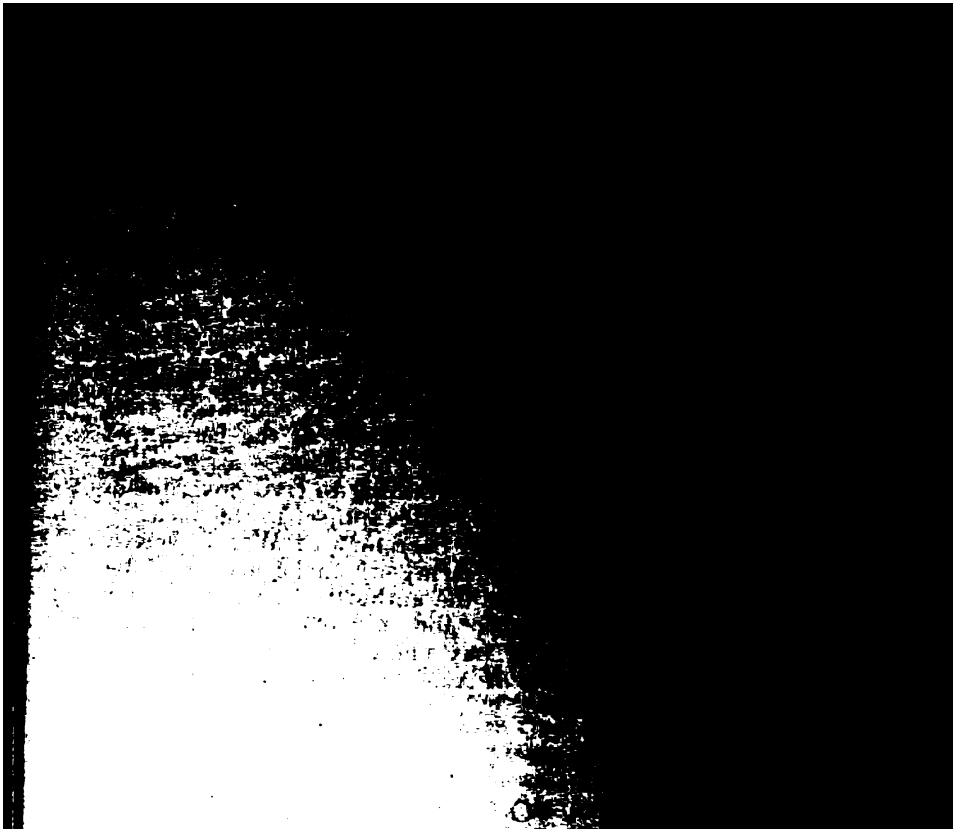
11. That for the purchase of metal for the said coins, an appropriation may be made by the government of the Philippine Islands from the treasury of the Philippine Islands.

That the Bureau of
organized by the
provided, and
the Affairs of
Bureau shall
island possessions
of the War Department
detail an officer of the Army
well qualified, to act under the authority of the
as the chief of said Bureau; and said officer
detail shall have the rank, pay and allowances
That all Acts and parts of Acts inconsistent with this
be repealed.

Approved, July 1, 1902.

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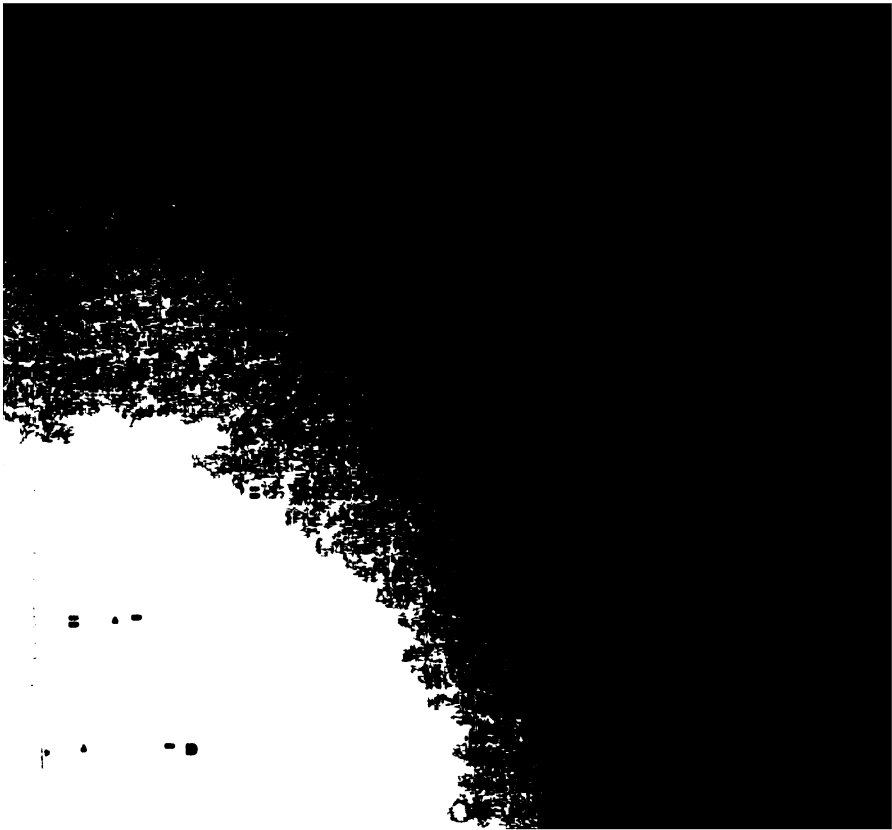
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**REFERENCE ROOM
DOES NOT CIRCULATE**



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